

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. 723.041, F.S.;
17 providing for the placement of any size used or
18 new mobile home on a mobile home lot under
19 certain circumstances; amending s. 723.061,
20 F.S.; revising language to include reference to
21 the eviction of a mobile home tenant or a
22 mobile home occupant; amending s. 723.0611,
23 F.S.; providing that persons who receive
24 compensation from the Florida Mobile Home
25 Relocation Corporation shall not have a claim
26 or cause of action against the corporation or
27 the park owner under certain circumstances;
28 amending s. 723.06115, F.S.; revising language
29 with respect to the Florida Mobile Home
30 Relocation Trust Fund; providing reference to
31 the deposit of certain surcharges into the

1 trust fund; amending s. 723.06116, F.S.;
2 increasing certain fees; providing an
3 additional situation in which a mobile home
4 park owner is not required to make certain
5 payments and is not entitled to certain
6 compensation from the Florida Mobile Home
7 Relocation Corporation; amending s. 723.0612,
8 F.S.; revising language with respect to
9 compensation from the Florida Mobile Home
10 Relocation Corporation; providing an
11 appropriation; providing an effective date.
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13 Be It Enacted by the Legislature of the State of Florida:
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15 Section 1. Subsection (1) of section 48.183, Florida
16 Statutes, is amended to read:

17 48.183 Service of process in action for possession of
18 premises.--

19 (1) In an action for possession of any residential
20 premises, including those under chapters 83, 723, and 513, or
21 nonresidential premises, if the tenant cannot be found in the
22 county or there is no person 15 years of age or older residing
23 at the tenant's usual place of abode in the county after at
24 least two attempts to obtain service as provided above in this
25 subsection, summons may be served by attaching a copy to a
26 conspicuous place on the property described in the complaint
27 or summons. The minimum time delay between the two attempts to
28 obtain service shall be 6 hours. Nothing herein shall be
29 construed as prohibiting service of process on a tenant as is
30 otherwise provided on defendants in civil cases.
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1 Section 2. Section 320.08015, Florida Statutes, is
2 created to read:

3 320.08015 License tax surcharge.--

4 (1) Except as provided in subsection (2), there is
5 levied on each license tax imposed under s. 320.08(11) a
6 surcharge in the amount of \$1, which shall be collected in the
7 same manner as the license tax and shall be deposited in the
8 Florida Mobile Home Relocation Trust Fund, as created in s.
9 723.06115. This surcharge may not be imposed during the next
10 registration and renewal period if the balance in the Florida
11 Mobile Home Relocation Trust Fund exceeds \$10 million on June
12 30. The surcharge shall be reinstated in the next registration
13 and renewal period if the balance in the Florida Mobile Home
14 Relocation Trust Fund is below \$6 million on June 30.

15 (2) Any mobile home that is not located in a mobile
16 home park regulated under chapter 723 is exempt from the
17 surcharge.

18 Section 3. Subsections (3), (4), and (5) of section
19 320.081, Florida Statutes, are amended to read:

20 320.081 Collection and distribution of annual license
21 tax imposed on the following type units.--

22 (3) The owner shall make application for such sticker
23 in the manner provided in s. 320.02, and the tax collectors in
24 the several counties of the state shall collect the license
25 taxes imposed by s. 320.08(10) and (11) and the license tax
26 surcharge imposed by s. 320.08015 in the same manner and under
27 the same conditions and requirements as provided in s. 320.03.

28 (4) Each tax collector shall make prompt remittance of
29 all moneys collected by him or her to the department at such
30 times and in such manner as provided by law. Upon receipt of
31 the license taxes collected from the tax collectors of the

1 several counties, the department shall pay into the State
2 Treasury for deposit in the General Revenue Fund the sum of
3 \$1.50 on each such sticker issued, and shall pay into the
4 State Treasury for deposit in the Florida Mobile Home
5 Relocation Trust Fund \$1 on each sticker issued as provided in
6 s. 320.08015. The balance remaining shall be paid into a trust
7 fund in the State Treasury designated "License Tax Collection
8 Trust Fund," and the moneys so deposited shall be paid to the
9 respective counties and cities wherein such units governed by
10 the provisions of this section are located, regardless of
11 where the license taxes are collected, in the manner
12 hereinafter provided.

13 (5) The department shall keep records showing the
14 total number of stickers issued to each type unit governed by
15 this section, the total amount of license taxes collected, and
16 the county or city wherein each such unit is located and shall
17 from month to month certify to the Chief Financial Officer
18 ~~Comptroller~~ the amount derived from license taxes in each
19 county and each city within the county. Such amount, less the
20 amount of \$1.50 collected on each license and the \$1 license
21 tax surcharge imposed by s. 320.08015, shall be paid to the
22 counties and cities within the counties wherein the unit or
23 units are located as follows: one-half to the district school
24 board and the remainder either to the board of county
25 commissioners, for units which are located within the
26 unincorporated areas of the county, or to any city within such
27 county, for units which are located within its corporate
28 limits. Payment shall be by warrant drawn by the Chief
29 Financial Officer ~~Comptroller~~ upon the treasury, which amount
30 is hereby appropriated monthly out of the License Tax
31 Collection Trust Fund.

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

3 715.101 Application of ss. 715.10-715.111.--

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

8 Section 5. Section 723.007, Florida Statutes, is
9 amended to read:

10 723.007 Annual fees; surchage.--

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

22 (2) There is levied on each annual fee imposed under
23 subsection (1) a surcharge in the amount of \$1. The surcharge
24 shall be collected in the same manner as the annual fee and
25 shall be deposited in the Florida Mobile Home Relocation Trust
26 Fund. Collection of the surcharge shall begin during the first
27 calendar year after this subsection takes effect. This
28 surchage may not be imposed during the next calendar year if
29 the balance in the trust fund exceeds \$10 million on June 30.
30 The surcharge shall be reinstated in the next calendar year if
31 the balance in the trust fund is below \$6 million on June 30.

1 The surcharge imposed by this subsection may not be imposed as
2 a separate charge regardless of any disclosure in the
3 prospectus.

4 Section 6. Section 723.041, Florida Statutes, is
5 amended to read:

6 723.041 Entrance fees; refunds; exit fees prohibited;
7 replacement homes.--

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

13 (b) The failure on the part of a mobile home park
14 owner or developer to disclose fully all fees, charges, or
15 assessments shall prevent the park owner or operator from
16 collecting such fees, charges, or assessments; and a refusal
17 by the mobile home owner to pay any undisclosed charge shall
18 not be used by the park owner or developer as a cause for
19 eviction in any court of law.

20 (c) It is unlawful for any mobile home park owner or
21 developer to make any agreement, written or oral, whereby the
22 fees authorized in this subsection will be split between such
23 mobile home park owner or developer and any mobile home
24 dealer, unless otherwise provided for in this chapter. Any
25 person who violates any of the provisions of this paragraph is
26 guilty of a misdemeanor of the second degree, punishable as
27 provided in s. 775.082 or s. 775.083.

28 (d) With respect to the first rental agreement for a
29 mobile home lot in a developing park, the park has the right
30 to condition such initial rental agreement upon the
31 prospective resident's purchasing the mobile home from a

1 dealer chosen by the park developer. A park developer may
2 also buy down rentals on the initial rental agreement of a
3 mobile home lot, and such buy-downs may be split between the
4 owner of a developing park and the dealer.

5 (e) Whenever an entrance fee is charged by a mobile
6 home park owner or developer for the entrance of a mobile home
7 into the park and such mobile home is moved from the park
8 before 2 years have passed from the date on which the fee was
9 charged, the fee shall be prorated and a portion returned as
10 follows:

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

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

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18 No new entrance fee may be charged for a move within the same
19 park. This paragraph does not apply in instances in which the
20 mobile home owner is evicted on the ground of nonpayment of
21 rent; violation of a federal, state, or local ordinance; or
22 violation of a properly promulgated park rule or regulation or
23 leaves before the expiration date of his or her rental
24 agreement. However, the sums due to the park by the mobile
25 home owner may be offset against the balance due on the
26 entrance fee.

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

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

4 (4) Except as expressly preempted by the requirements
5 of the Department of Highway Safety and Motor Vehicles, a
6 mobile home owner or the park owner shall be authorized
7 pursuant to this section to site any size new or used mobile
8 home and appurtenances on a mobile home lot in accordance with
9 the lot sizes, separation and setback distances, and other
10 requirements in effect at the time of the approval of the
11 mobile home park.

12 Section 7. Subsections (1), (4), and (5) of section
13 723.061, Florida Statutes, are amended to read:

14 723.061 Eviction; grounds, proceedings.--

15 (1) A mobile home park owner may evict a mobile home
16 owner, a mobile home tenant, a mobile home occupant, or a
17 mobile home only on one or more of the grounds provided in
18 this section.

19 (a) Nonpayment of lot rental amount. If a mobile home
20 owner or tenant, whichever is responsible, fails to pay the
21 lot rental amount when due and if the default continues for 5
22 days after delivery of a written demand by the mobile home
23 park owner for payment of the lot rental amount, the park
24 owner may terminate the tenancy. However, if the mobile home
25 owner or tenant, whichever is responsible, pays the lot rental
26 amount due, including any late charges, court costs, and
27 attorney's fees, the court may, for good cause, deny the order
28 of eviction, provided such nonpayment has not occurred more
29 than twice.

30 (b) Conviction of a violation of a federal or state
31 law or local ordinance, which violation may be deemed

1 detrimental to the health, safety, or welfare of other
2 residents of the mobile home park. The mobile home owner or
3 mobile home tenant will have 7 days from the date that notice
4 to vacate is delivered to vacate the premises. This paragraph
5 shall be grounds to deny an initial tenancy of a purchaser of
6 a home pursuant to s. 723.061(1)(e) or to evict an unapproved
7 occupant of a home.

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

10 1. For the first violation of any properly promulgated
11 rule or regulation, rental agreement provision, or this
12 chapter which is found by any court having jurisdiction
13 thereof to have been an act which endangered the life, health,
14 safety, or property of the park residents or employees or the
15 peaceful enjoyment of the mobile home park by its residents,
16 the mobile home park owner may terminate the rental agreement,
17 and the mobile home owner, tenant, or occupant will have 7
18 days from the date that the notice is delivered to vacate the
19 premises.

20 2. For a second violation of the same properly
21 promulgated rule or regulation, rental agreement provision, or
22 this chapter within 12 months, the mobile home park owner may
23 terminate the tenancy if she or he has given the mobile home
24 owner, tenant, or occupant written notice within 30 days of
25 the first violation, which notice specified the actions of the
26 mobile home owner, tenant, or occupant which caused the
27 violation and gave the mobile home owner, tenant, or occupant
28 7 days to correct the noncompliance. The mobile home owner,
29 tenant, or occupant must have received written notice of the
30 ground upon which she or he is to be evicted at least 30 days
31 prior to the date on which she or he is required to vacate. A

1 second violation of a properly promulgated rule or regulation,
2 rental agreement provision, or this chapter within 12 months
3 of the first violation is unequivocally a ground for eviction,
4 and it is not a defense to any eviction proceeding that a
5 violation has been cured after the second violation. Violation
6 of a rule or regulation, rental agreement provision, or this
7 chapter after the passage of 1 year from the first violation
8 of the same rule or regulation, rental agreement provision, or
9 this chapter does not constitute a ground for eviction under
10 this section.

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

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

22 (e) Failure of the purchaser, prospective tenant, or
23 occupant of a mobile home situated in the mobile home park to
24 be qualified as, and to obtain approval to become, a tenant or
25 occupant of the home, if such approval is required by a
26 properly promulgated rule. If a purchaser or prospective
27 tenant of a mobile home situated in the mobile home park
28 occupies the mobile home before approval is granted, the
29 mobile home owner or mobile home tenant shall have 7 days from
30 the date the notice of the failure to be approved for tenancy
31 is delivered to vacate the premises.

1 (4) A mobile home park owner applying for the removal
2 of a mobile home owner, tenant, occupant, or a mobile home, ~~or~~
3 ~~both,~~ shall file, in the county court in the county where the
4 mobile home lot is situated, a complaint describing the lot
5 and stating the facts that authorize the removal of the mobile
6 home owner, tenant, occupant, or ~~and~~ the mobile home. The park
7 owner is entitled to the summary procedure provided in s.
8 51.011, and the court shall advance the cause on the calendar.

9 (5) Any notice required by this section must be in
10 writing, and must be posted on the premises and sent to the
11 mobile home owner and tenant or occupant, as appropriate, by
12 certified or registered mail, return receipt requested,
13 addressed to the mobile home owner and tenant or occupant, as
14 appropriate, at her or his last known address. Delivery of the
15 mailed notice shall be deemed given 5 days after the date of
16 postmark.

17 Section 8. Paragraph (e) is added to subsection (2) of
18 section 723.0611, Florida Statutes, to read:

19 723.0611 Florida Mobile Home Relocation Corporation.--

20 (2)

21 (e) Any person who receives compensation from the
22 corporation or the park owner pursuant to ss.
23 723.061-723.0612 shall not have a cause of action against the
24 corporation or the park owner for any claim arising under the
25 rights, duties, and obligations of the corporation or park
26 owner in ss. 723.061-723.0612.

27 Section 9. Subsection (1) of section 723.06115,
28 Florida Statutes, is amended 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 moneys collected by the department
7 under s. 723.06116 from mobile home park owners who change the
8 use of their mobile home parks; the surcharge collected by the
9 department under s. 723.007(2); the surcharge collected by the
10 Department of Highway Safety and Motor Vehicles;and by other
11 appropriated funds.

12 Section 10. Subsection (1) of section 723.06116,
13 Florida Statutes, is amended and paragraph (d) is added to
14 subsection (2) of said section, to read:

15 723.06116 Payments to the Florida Mobile Home
16 Relocation Corporation.--

17 (1) If a mobile home owner is required to move due to
18 a change in use of the land comprising a mobile home park as
19 set forth in s. 723.061(1)(d), the mobile home park owner
20 shall, upon such change in use, pay to the Florida Mobile Home
21 Relocation Corporation for deposit in the Florida Mobile Home
22 Relocation Trust Fund \$2,750~~\$2,000~~ for each single-section
23 mobile home and \$3,750~~\$2,500~~ for each multisection mobile
24 home for which a mobile home owner has made application for
25 payment of moving expenses. The mobile home park shall make
26 the payments required by this section and by s. 723.0612(7) to
27 the corporation within 30 days after receipt from the
28 corporation of the invoice for payment.

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

3 (d) The mobile home owner has a pending eviction
4 action for nonpayment of lot rental amount pursuant to s.
5 723.061(1)(a) which was filed against him or her prior to the
6 mailing date of the notice of change in use of the mobile home
7 park given pursuant to s. 723.061(1)(d).

8 Section 11. Section 723.0612, Florida Statutes, is
9 amended to read:

10 723.0612 Change in use; relocation expenses; payments
11 by park owner.--

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

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

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

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

28 (a) The park owner moves a mobile home owner to
29 another space in the mobile home park or to another mobile
30 home park at the park owner's expense;

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

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

6 (d) The mobile home owner has a pending eviction
7 action for nonpayment of lot rental amount pursuant to s.
8 723.061(1)(a) which was filed against him or her prior to the
9 mailing date of the notice of change in use of the mobile home
10 park given pursuant to s. 723.061(1)(d).

11 (3) Except as provided in subsection (7), in order to
12 obtain payment from the Florida Mobile Home Relocation
13 Corporation, the mobile home owner shall submit to the
14 corporation, with a copy to the park owner, an application for
15 payment which includes:

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

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

20 (4) The Florida Mobile Home Relocation Corporation
21 must approve payment within 45 days after receipt of the
22 information set forth in subsection (3), or payment is deemed
23 approved. A copy of the approval must be forwarded to the park
24 owner with an invoice for payment. Upon approval, the
25 corporation shall issue a voucher in the amount of the
26 contract price for relocating the mobile home. The moving
27 contractor may redeem the voucher from the corporation
28 following completion of the relocation and upon approval of
29 the relocation by the mobile home owner.

30 (5) Actions of the Florida Mobile Home Relocation
31 Corporation under this section are not subject to the

1 provisions of chapter 120 but are reviewable only by writ of
2 certiorari in the circuit court in the county in which the
3 claimant resides in the manner and within the time provided by
4 the Florida Rules of Appellate Procedure.

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

7 (7) In lieu of collecting payment from the Florida
8 Mobile Home Relocation Corporation as set forth in subsection
9 (1), a mobile home owner may abandon the mobile home in the
10 mobile home park and collect \$1,375 for a single section and
11 \$2,750 for a multi-section ~~an amount equal to one-fourth of~~
12 ~~the maximum allowable moving expenses~~ from the corporation as
13 long as the mobile home owner delivers to the park owner the
14 current title to the mobile home duly endorsed by the owner of
15 record and valid releases of all liens shown on the title. If
16 a mobile home owner chooses this option, the park owner shall
17 make payment to the corporation in an amount equal to
18 one-fourth of the maximum allowable moving expenses. The
19 mobile home owner's application for funds under this
20 subsection shall require the submission of a document signed
21 by the park owner stating that the home has been abandoned
22 under this subsection and that the park owner agrees to make
23 payment to the corporation in the amount provided to the home
24 owner under this section. However, in the event that the
25 required documents are not submitted with the application, the
26 corporation may consider the facts and circumstances
27 surrounding the abandonment of the home to determine whether
28 the mobile home owner is entitled to payment pursuant to this
29 section.

30 (8) The Florida Mobile Home Relocation Corporation
31 shall not be liable to any person for recovery if funds are

1 insufficient to pay the amounts claimed. In any such event,
2 the corporation shall keep a record of the time and date of
3 its approval of payment to a claimant. If sufficient funds
4 become available, the corporation shall pay the claimant whose
5 unpaid claim is the earliest by time and date of approval.

6 (9) Any person whose application for funding pursuant
7 to subsection (1) or subsection (7) is approved for payment by
8 the corporation shall be barred from asserting any claim or
9 cause of action under this chapter directly relating to or
10 arising out of the change in use of the mobile home park
11 against the corporation, the park owner, or the park owner's
12 successors in interest. No application for funding pursuant
13 to subsection (1) or subsection (7) shall be approved by the
14 corporation if the applicant has either filed a claim or cause
15 of action, is actively pursuing a claim or cause of action, or
16 has a judgment against the corporation, the park owner, or the
17 park owner's successors in interest under this chapter
18 directly relating to or arising out of the change in use of
19 the mobile home park, unless such claim or cause of action is
20 dismissed with prejudice.

21 (10)(9) It is unlawful for any person or his or her
22 agent to file any notice, statement, or other document
23 required under this section which is false or contains any
24 material misstatement of fact. Any person who violates this
25 subsection commits a misdemeanor of the second degree,
26 punishable as provided in s. 775.082 or s. 775.083.

27 Section 12. For the 2003-2004 fiscal year, the sum of
28 \$500,000 is appropriated from the Florida Mobile Home
29 Relocation Trust Fund to the Florida Mobile Home Relocation
30 Corporation.

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1 Section 13. This act shall take effect upon becoming a
2 law.
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