

By Senator Negrón

32-00229A-15

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1 A bill to be entitled
2 An act relating to mobile home parks; amending s.
3 723.003, F.S.; revising the definition of the term
4 "mobile home park" to clarify that it includes certain
5 lots or spaces regardless of the rental or lease
6 term's length or person liable for ad valorem taxes;
7 reenacting and amending s. 73.072, F.S., to
8 incorporate the amendment made to s. 723.003, F.S., in
9 a reference thereto; providing that the act is
10 remedial and intended to clarify existing law and to
11 abrogate an interpretation of such law by the
12 Department of Business and Professional Regulation;
13 providing for retroactive application; providing that
14 the act does not affect specified ad valorem taxation
15 issues; providing an effective date.

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

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19 Section 1. Subsection (6) of section 723.003, Florida
20 Statutes, is amended to read:

21 723.003 Definitions.—As used in this chapter, the following
22 words and terms have the following meanings unless clearly
23 indicated otherwise:

24 (6) The term "mobile home park" or "park" means a use of
25 land in which lots or spaces are offered for rent or lease for
26 the placement of mobile homes, regardless of the length of the
27 rental or lease term or the person liable for the payment of ad
28 valorem taxes on the lot or space, and in which the primary use
29 of the park is residential.

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30 Section 2. For the purpose of incorporating the amendment
31 made by this act to section 723.003, Florida Statutes, in a
32 reference thereto, subsection (1) of section 73.072, Florida
33 Statutes, is reenacted and amended to read:

34 73.072 Mobile home parks; compensation for permanent
35 improvements by mobile home owners.—

36 (1) ~~If~~ When all or a portion of a mobile home park as
37 defined in s. 723.003~~(6)~~ is appropriated under this chapter, the
38 condemning authority shall separately determine the compensation
39 for any permanent improvements made to each site. This
40 compensation shall be awarded to the mobile home owner leasing
41 the site if:

42 (a) The effect of the taking includes a requirement that
43 the mobile home owner remove or relocate his or her mobile home
44 from the site;

45 (b) The mobile home owner currently leasing the site has
46 paid for the permanent improvements to the site; and

47 (c) The value of the permanent improvements on the site
48 exceeds \$1,000 as of the date of taking.

49 Section 3. The amendment made by this act to s. 723.003,
50 Florida Statutes, is remedial in nature and is intended to
51 clarify existing law and to abrogate the interpretation of law
52 set forth by the Department of Business and Professional
53 Regulation in a litigation memo dated September 18, 2013, which
54 misclassified certain long-term leases of mobile home lots and
55 spaces as equitable ownership interests for purposes of the
56 statutory definition of "mobile home park." The amendment
57 applies retroactively to the enactment of s. 723.003, Florida
58 Statutes, on June 4, 1984, and is not intended to affect

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59 assessments or liability for, or exemptions from, ad valorem
60 taxation on a lot or space upon which a mobile home is placed.

61 Section 4. This act shall take effect upon becoming a law.