

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on Business Regulation offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Section 723.06115, Florida Statutes, is
created to read:

723.06115 Florida Mobile Home Relocation Trust Fund.--

(1) There is established within the Department of
Business and Professional Regulation the Florida Mobile Home
Relocation Trust Fund, to be used by the department for the
purpose of funding the administration and operations of the
Florida Mobile Home Relocation Corporation. All interest
earned from the investment or deposit of moneys in the trust
fund shall be deposited in the trust fund. The trust fund
shall be funded from the surcharge collected under s.
320.08051, the surcharge collected under s. 723.007, and the
moneys collected by the department under s. 723.06116 from
mobile home park owners who change the use of their mobile
home parks.

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1 (2) Moneys in the Florida Mobile Home Relocation Trust
2 Fund may be expended only:

3 (a) To pay the administration costs of the Florida
4 Mobile Home Relocation Corporation; and

5 (b) To carry out the purposes and objectives of the
6 Florida Mobile Home Relocation Corporation by making payments
7 to mobile home owners under the relocation program.

8 Section 2. In accordance with Section 19(f)(2),
9 Article III of the State Constitution, the Florida Mobile Home
10 Relocation Trust Fund shall, unless terminated sooner, be
11 terminated on July 1, 2005. Before its scheduled termination,
12 the trust fund shall be reviewed as provided in section
13 215.3206(1) and (2), Florida Statutes.

14 Section 3. Section 320.08051, Florida Statutes, is
15 created to read:

16 320.08051 Surcharge on license tax; Florida Mobile
17 Home Relocation Trust Fund.--There is levied on each license
18 tax imposed under s. 320.08(11) a surcharge in the amount of
19 \$2, which shall be collected in the same manner as the license
20 tax and shall be deposited into the Florida Mobile Home
21 Relocation Trust Fund. Collection of the surcharge shall begin
22 during the first year after this section takes effect. This
23 surcharge may not be imposed during any year that the balance
24 in the Florida Mobile Home Relocation Trust Fund exceeds \$10
25 million. The surcharge shall be reinstated in the next year
26 after the balance in the Florida Mobile Home Relocation Trust
27 Fund falls below \$6 million.

28 Section 4. Subsections (3), (4), and (5) of section
29 320.081, Florida Statutes, are amended to read:

30 320.081 Collection and distribution of annual license
31 tax imposed on the following type units.--

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1 (3) The owner shall make application for such sticker
2 in the manner provided in s. 320.02, and the tax collectors in
3 the several counties of the state shall collect the license
4 taxes imposed by s. 320.08(10) and (11) and the license tax
5 surcharge imposed by s. 320.08051 in the same manner and under
6 the same conditions and requirements as provided in s. 320.03.

7 (4) Each tax collector shall make prompt remittance of
8 all moneys collected by him or her to the department at such
9 times and in such manner as provided by law. Upon receipt of
10 the license taxes collected from the tax collectors of the
11 several counties, the department shall pay into the State
12 Treasury for deposit in the General Revenue Fund the sum of
13 \$1.50 on each such sticker issued, and shall pay into the
14 State Treasury for deposit into the Florida Mobile Home
15 Relocation Trust Fund \$2 on each sticker issued as provided in
16 s. 320.08051. The balance remaining shall be paid into a trust
17 fund in the State Treasury designated "License Tax Collection
18 Trust Fund," and the moneys so deposited shall be paid to the
19 respective counties and cities wherein such units governed by
20 the provisions of this section are located, regardless of
21 where the license taxes are collected, in the manner
22 hereinafter provided.

23 (5) The department shall keep records showing the
24 total number of stickers issued to each type unit governed by
25 this section, the total amount of license taxes collected, and
26 the county or city wherein each such unit is located and shall
27 from month to month certify to the Comptroller the amount
28 derived from license taxes in each county and each city within
29 the county. Such amount, less the amount of \$1.50 collected on
30 each license and the \$2 license tax surcharge imposed by s.
31 320.08051, shall be paid to the counties and cities within the

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1 counties wherein the unit or units are located as follows:
2 one-half to the district school board and the remainder either
3 to the board of county commissioners, for units which are
4 located within the unincorporated areas of the county, or to
5 any city within such county, for units which are located
6 within its corporate limits. Payment shall be by warrant drawn
7 by the Comptroller upon the treasury, which amount is hereby
8 appropriated monthly out of the License Tax Collection Trust
9 Fund.

10 Section 5. Section 723.007, Florida Statutes, is
11 amended to read:

12 723.007 Annual fees; surcharge.--

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

24 (2) There is levied on each annual fee imposed under
25 subsection (1) a surcharge in the amount of \$1 upon each
26 mobile home lot that is offered for lease within a mobile home
27 park owned by a mobile home park owner. The surcharge shall be
28 collected in the same manner as the annual fee and shall be
29 deposited into the Florida Mobile Home Relocation Trust Fund.
30 Collection of the surcharge shall begin during the first year
31 after this subsection takes effect. This surcharge may not be

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1 imposed during the next year if the balance in the Florida
2 Mobile Home Relocation Trust Fund exceeds \$10 million. The
3 surcharge shall be reinstated in the next year after the
4 balance in the Florida Mobile Home Relocation Trust Fund falls
5 below \$6 million. The surcharge imposed by this subsection may
6 not be imposed as a separate charge regardless of any
7 disclosure in the prospectus.

8 Section 6. Section 723.06116, Florida Statutes, is
9 created to read:

10 723.06116 Payments to the Florida Mobile Home
11 Relocation Trust Fund.--

12 (1) If a mobile home owner is required to move due to
13 a change in use of the land comprising a mobile home park as
14 set forth in s. 723.061(1)(d), the mobile home park owner
15 shall, upon such change in use, pay to the department for
16 deposit into the Florida Mobile Home Relocation Trust Fund
17 \$2,000 for each single-section mobile home and \$2,500 for each
18 multisection mobile home for which a mobile home owner has
19 made application for payment of moving expenses.

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

23 (a) The mobile home park owner moves a mobile home
24 owner to another space in the mobile home park or to another
25 mobile home park at the park owner's expense;

26 (b) A mobile home owner is vacating the premises and
27 has informed the mobile home park owner or manager before the
28 change in use notice has been given; or

29 (c) A mobile home owner abandons the mobile home as
30 set forth in s. 723.0612(8).

31 Section 7. This act shall take effect on the effective

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1 date of Committee Substitute for Committee Substitute for
2 Senate Bill 442, but it shall not take effect unless it is
3 enacted by a three-fifths vote of the membership of each house
4 of the Legislature.

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7 ===== T I T L E A M E N D M E N T =====

8 And the title is amended as follows:

9 remove from the title of the bill: the entire title
10
11 and insert in lieu thereof:

12 A bill to be entitled
13 An act relating to the Florida Mobile Home
14 Relocation Trust Fund; creating s. 723.06115,
15 F.S.; creating the Florida Mobile Home
16 Relocation Trust Fund within the Department of
17 Business and Professional Regulation; providing
18 purposes; providing funding; providing for
19 legislative review and termination or
20 re-creation of the trust fund; creating s.
21 320.08051, F.S.; providing for the levy of a
22 surcharge on mobile home license taxes;
23 amending s. 320.081, F.S.; providing for the
24 collection and distribution of the license tax
25 surcharge; amending s. 723.007, F.S.; providing
26 for imposition of a surcharge on annual fees
27 paid by mobile home park owners; creating s.
28 723.06116, F.S.; requiring that a mobile home
29 park owner make specified payments to the trust
30 fund upon a change in use of the mobile home
31 park which requires a mobile home owner to

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1 move; providing exceptions; providing a
2 contingent effective date.
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