

A bill to be entitled

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

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

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

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

(6) The term "mobile home park" or "park" means a use of land in which lots or spaces are offered for rent or lease for 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.

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

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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  
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.