CUA-07 RESIDENCE LIMITS FOR RV PARK TDT ASSESSMENT
STAFF ANALYSIS

PROPOSAL INFORMATION			
SUBMITTING COUNTY:	Marion County		
SPONSOR CONTACT:	Matt Cretul, Legislative Manager; matthew.cretul@marionfl.org; (352) 817-3139		
FAC COMMITTEE:	Community & Urban Affairs	**CROSS-CLAIMS:**	None identified
FAC STAFF:	J. Scala	**DATE:**	September 22, 2026

This staff analysis is based on the proposal as submitted and does not reflect an adopted position of the Florida Association of Counties.

POLICY PROPOSAL:

FAC supports legislation that would amend 212.03(7)(c) F.S. to increase the continuous residence requirement from three to six months, ensuring consistency with statewide standards and providing clarity for long-term RV park residents.

I. SUMMARY:

Marion County asks FAC to support amending s. 212.03(7)(c), F.S., to raise from three to six months the continuous-residence threshold that determines whether a trailer camp, mobile home park outside ch. 723, or recreational vehicle (RV) park is exempt, as a facility, from the state transient rentals tax.

At a qualifying park every transient rental is exempt — including stays of six months or less that otherwise fall within the tourist development tax (TDT) base — and the exemption carries through to the TDT, discretionary sales surtaxes, and other local levies that share the state base. Because the county-drafted amendment narrows a state tax exemption, the implementing bill requires a two-thirds vote of the membership of each house in a separate bill under Art. VII, s. 19, Fla. Const.; a TDT-only alternative is identified for committee decision (III). The revenue effect is positive for counties but unquantified, and the three-month test has stood unamended since at least 1998 with no recent vehicle (V, VI). The proposal is protective of home rule, is not an unfunded mandate.

II. PRESENT SITUATION:

Section 212.03(1)(a), F.S., levies the 6 percent state transient rentals tax on accommodations in hotels, apartment houses, roominghouses, tourist or trailer camps, mobile home parks, RV parks, condominiums, and timeshare resorts. Long-term residents are removed from the tax tenancy by tenancy at a six-month benchmark: an operator that exclusively enters into bona fide written agreements for continuous

residence longer than 6 months is not exercising a taxable privilege (s. 212.03(1)(a)), and a tenant with a bona fide written lease longer than 6 months, or who resides continuously longer than 6 months after paying tax on the first 6, is exempt (s. 212.03(4)).

Paragraph (7)(c) instead classifies the facility. Rental of facilities defined in s. 212.02(10)(f) — trailer camps, mobile home parks, and RV parks — intended primarily as principal or permanent residences is exempt, but the Department of Revenue (DOR) must treat a park as primarily serving transient guests unless the owner verifies that more than half of the total rental units available are occupied by tenants with a continuous residence in excess of 3 months. Status is redetermined at the end of each accounting year over a selected consecutive 3-month period; a park that no longer qualifies must notify DOR by the 20th day of the first month of its next accounting year and is taxable from that year's first day. Mobile home lots regulated under ch. 723 are excluded. The stated intent is relief for persons who rent rather than own their homes, while still taxing facilities that primarily serve transient guests (s. 212.03(7)(b)). The paragraph is unchanged in the 2026 Florida Statutes; the section was last amended by ch. 2014-40, Laws of Fla.

DOR implements the paragraph through Rule 12A-1.061, F.A.C. (last amended effective December 29, 2025), and Form DR-72-2, a self-executed declaration: DOR issues no approval, no filing is required while a park remains exempt, and DOR forwards a copy to the local TDT collector. At a qualifying park, all transient rental charges are exempt, even for stays of six months or less. The exemption carries into each levy built on the state base: the TDT reaches rentals for a term of 6 months or less unless exempt under ch. 212 (s. 125.0104(3)(a)1.), and a self-administering county that assumes audit responsibility is bound by DOR's s. 212.03 rules (s. 125.0104(10)(c)); discretionary surtaxes apply to transactions subject to the state tax (ss. 212.054–212.055); and the same rule governs convention development and tourist impact taxes. Marion County levies a 4 percent TDT, collected locally by the Tax Collector.

The submission refers to paragraph (7)(c) as "the local provision"; it is general law applicable in all 67 counties and governs the state tax as well as local levies. The six-month standard the submission cites applies to individual tenancies (ss. 212.03(1)(a), (4) and 125.0104(3)(a)); paragraph (7)(c) is a separate facility-level test. The county's base text of the paragraph matches the verified statute.

III. EFFECT OF THE PROPOSAL:

The proposal amends s. 212.03(7)(c) at three points, as the county's coded draft shows: the declaration threshold (continuous residence "in excess of 3 months" becomes 6 months) and both references to the consecutive 3-month redetermination period, which become 6-month periods. No other amendment is needed for the change to reach the state tax and every local levy that shares its base.

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A park where most occupied units hold tenants of three to six months' continuous residence — the seasonal pattern the submission describes — would lose the facility exemption, and its rentals of six months or less would become subject to the state tax, surtaxes, the TDT, and any convention development or tourist impact tax. Parks where most units hold residents of more than six months keep the exemption. Tenants with written agreements longer than six months remain exempt; residents of a park that loses the exemption who lack such an agreement would owe tax on their first six months (s. 212.03(4)). As drafted, the change reaches all three facility types in s. 212.02(10)(f), not RV parks alone.

Because the amendment narrows a state tax exemption, it "raises" a state tax under Art. VII, s. 19(d)(2)c., Fla. Const., and must pass by two-thirds of the membership of each house in a separate bill containing no other subject (s. 19(b), (e)). Section 19 does not apply to taxes imposed or authorized to be imposed by a county (s. 19(c)).

One vehicle decision requires the committee's attention. The submitted vehicle changes the state tax base and, by incorporation, every local levy built on it. A TDT-only alternative — amending s. 125.0104(3)(a) to apply a six-month park test for TDT purposes — would track the county's stated TDT purpose, leave the state tax and surtax bases unchanged, and fall outside s. 19 by operation of s. 19(c); it would, however, create dual taxable status at the same park and depart from the statement as submitted, which names s. 212.03(7)(c). Either vehicle requires DOR to conform Rule 12A-1.061 and Form DR-72-2, and the bill needs a transition provision for parks whose accounting year straddles the effective date. The proposal reduces to a concrete, county-drafted statutory change and presents no internal inconsistency.

IV. COUNTY IMPACT:

- Scope: statewide wherever trailer camps, mobile home parks outside ch. 723, or RV parks operate. The TDT effect reaches the 62 counties that levy it and the surtax effect the 65 counties with a surtax (EDR figures cited in the House final bill analysis of HB 7031 (2025)); all counties share in state-tax proceeds through the half-cent and revenue sharing distributions.
- Must do: counties that self-administer the TDT under s. 125.0104(10), including Marion, would collect from parks returning to taxable status and, where they have assumed audit responsibility, audit them; DOR administers the tax for other counties. No other county duty is created, and no county authority is restricted.
- Must prepare for: parks returning to taxable status at the start of each operator's next accounting year, operator outreach, and revised TDT revenue projections.
- Should monitor: DOR's conforming rule and form changes, and the shift of tax to seasonal guests and to residents without written agreements longer than six months — a population the submission associates with affordable housing demand.

Protective of Home Rule: Yes — the proposal imposes no preemption and restricts no county authority; it modifies a state-defined exemption that determines the base of county-levied taxes without altering county levy discretion.

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V. FISCAL IMPACT:

- Direction: revenue-positive for the state, counties, and municipalities; magnitude indeterminate. Newly taxable park rentals would generate state sales tax — distributed about 89.6 percent to General Revenue and 10.3 percent to local governments under s. 212.20 (House final bill analysis of HB 7031 (2025)) — plus TDT, surtax, and, where levied, convention development and tourist impact tax proceeds.
- No Revenue Estimating Conference estimate exists, and no bill has been filed. Marion reports 37 RV parks and campgrounds remitting $171,897.93 in FY 2025–26 TDT and states it cannot estimate receipts at exempt parks, which do not report to the county. The DR-72-2 copies identify declared-exempt parks but not their rental volume.
- Scale: statewide TDT revenue across the five levies was approximately $1.78 billion in FY 2023–24 (same House analysis), and Marion's TDT collections exceeded $6.4 million in the first eleven months of FY 2024–25 (county report to its Tourist Development Council, September 2025). The share attributable to affected parks is not reported.
- Costs: the tax burden shifts to guests and residents at affected parks. Administrative costs to DOR and self-administering counties are insignificant; the latter may retain up to 3 percent of collections for administration (s. 125.0104(10)(b)5.).
- *[Confirm whether EDR's 2026 Florida Tax Handbook carries an estimate for the s. 212.03(7)(c) exemption.]*

Unfunded Mandate (Art. VII, s. 18, Fla. Const.): No — the proposal requires no county expenditure and enlarges, rather than reduces, county revenue bases and state-shared revenues; it imposes no mandate on municipalities or other counties.

VI. LEGISLATIVE & FAC HISTORY:

- Enacted law: paragraph (7)(c), including the three-month test, appears verbatim in the 1998 Florida Statutes; the section's later amendments (chs. 2009-133 and 2014-40, Laws of Fla.) did not alter it.
- Recent bills: staff identified no bill filed in the 2023–2026 sessions to amend s. 212.03(7)(c).
- *[Confirm the no-vehicle finding in Lobbytools.]*
- Adjacent enacted law: ch. 2025-208, Laws of Fla. (HB 7031, 2025), last amended s. 125.0104, broadening authorized TDT uses to beach lifeguards in all coastal counties and certain capital improvements in coastal fiscally constrained counties. The act carried an estimated net reduction of $2.04 billion in state and local revenues in FY 2025–26 (House final bill analysis).
- Trajectory: the park-level test has drawn no legislative activity in the period reviewed; recent TDT legislation has addressed authorized uses, not the taxable base.

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- Past FAC statements: none addressing transient rental exemptions or tourist tax bases appear in the 2024–25 or 2026 Legislative Action Plans.
- *[Confirm against the SharePoint past-statements index — Year—PP—Title.]*
- Guiding Principles coverage: FTA Revenue GP B (Local Revenue Authority), consolidated draft set (Aug. 25, 2026), names “tourist development taxes” and “local option sales surtaxes” among county revenue sources and commits FAC to “preserving and strengthening county authority to levy and administer these sources”; it does not specifically address state-defined exemptions from their base. The CUA principles address tourism generally (Economic Development GP A), not tourist tax bases.
- BoCC action: the Marion County BoCC has voted to support the proposal, as stated in the submission.

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