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1 A bill to be entitled
 2 An act relating to mobile home and recreational vehicle
 3 parks; amending s. 513.01, F.S.; providing and revising
 4 definitions; amending s. 513.012, F.S.; specifying laws
 5 and rules to be enforced by the Department of Health;
 6 providing for the adoption of rules; amending s. 513.014,
 7 F.S.; revising applicability of recreational vehicle park
 8 requirements to mobile home parks; amending s. 513.02,
 9 F.S.; revising permit requirements; providing requirements
 10 for construction review and approval for private parks and
 11 camps; requiring the department to adopt rules; amending
 12 s. 513.03, F.S.; revising requirements for permit
 13 applications; amending s. 513.045, F.S.; revising fees
 14 charged to operators of certain parks or camps; providing
 15 for the assessment of late fees; authorizing persons to
 16 request from the department a review of plans for a
 17 proposed park or camp; requiring certain construction and
 18 renovation plans to be submitted to the department for
 19 review and approval; amending s. 513.05, F.S.; providing
 20 the department with additional rulemaking authority;
 21 amending s. 513.054, F.S.; providing that an operator of a
 22 mobile home or recreational vehicle park or camp who
 23 refuses to pay the operating permit fee required by law or
 24 who fails, neglects, or refuses to obtain an operating
 25 permit for the park commits a misdemeanor of the second
 26 degree; amending s. 513.055, F.S.; conforming permit
 27 terminology; amending s. 513.10, F.S.; providing that a
 28 person who operates a mobile home, lodging, or

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29 recreational vehicle park without a permit commits a
 30 misdemeanor of the second degree; repealing s. 513.111,
 31 F.S., relating to the posting and advertising of certain
 32 site rates; creating s. 513.1115, F.S.; providing
 33 requirements for the establishment of separation and
 34 setback distances; amending s. 513.112, F.S.; deleting a
 35 provision requiring guest registers to be made available
 36 for inspection by the department at any time; amending s.
 37 513.115, F.S.; revising requirements for the handling of
 38 unclaimed property; amending s. 513.13, F.S.; providing a
 39 penalty for failure to depart from a park under certain
 40 circumstances; barring an operator from certain liability;
 41 providing an effective date.

42

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

44 Section 1. Section 1. Subsection (3) of section 513.01,
 45 Florida Statutes, is amended, present subsections (5) through
 46 (11) of that section are renumbered as subsections (6) through
 47 (12), respectively, and a new subsection (5) is added to that
 48 section, to read:

49 513.01 Definitions.—As used in this chapter, the term:

50 (3) "Mobile home" means a residential structure that is
 51 transportable in one or more sections, which structure is 8 body
 52 feet (2.4 meters) or more in width, over 35 feet in length with
 53 the hitch, built on an integral chassis, ~~and~~ designed to be used
 54 as a dwelling when connected to the required utilities, and not
 55 originally sold as a recreational vehicle, and includes the
 56 plumbing, heating, air-conditioning, and electrical systems

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57 contained in the structure.

58 (5) "Occupancy" means the length of time that a
 59 recreational vehicle is occupied by a transient guest and not
 60 the length of time that such vehicle is located on the leased
 61 recreational vehicle site. A recreational vehicle may be stored
 62 and tied down on site when not in use to accommodate the needs
 63 of the guest. The attachment of a recreational vehicle to the
 64 ground by way of tie-downs or other removable fasteners, and the
 65 attachment of carports, porches, screen rooms, and similar
 66 appurtenances by way of removable attaching devices, do not
 67 render the recreational vehicle a permanent part of the
 68 recreational vehicle site.

69 Section 2. Section 513.012, Florida Statutes, is amended
 70 to read:

71 513.012 Public health laws; enforcement.—

72 (1) It is the intent of the Legislature that mobile home
 73 parks, lodging parks, recreational vehicle parks, and
 74 recreational camps be regulated under this chapter. As such, the
 75 department shall administer and enforce, with respect to such
 76 parks and camps, uniform laws and rules relating to sanitation,
 77 control of communicable diseases, illnesses and hazards to
 78 health among humans and from animals to humans, and the general
 79 health of the people of the state.

80 (2) The department shall establish uniform standards for
 81 permitting and operation of lodging parks, recreational vehicle
 82 parks and camps, and mobile home parks, which include:

83 (a) The design, location, and site sizes for sites in
 84 parks and camps;

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85 (b) Sanitary standards for permitting and the operation of
 86 parks and camps;
 87 (c) Occupancy standards for transient rentals in
 88 recreational vehicle parks and camps;
 89 (d) Permitting of parks and camps as required by this
 90 chapter, including temporary events at unlicensed locations;
 91 (e) Inspection of parks and camps to enforce compliance
 92 with this chapter;
 93 (f) Permit requirements, including late fees and penalties
 94 for operating without a permit; and
 95 (g) The maintenance of guest registers.
 96 (3) This chapter establishes uniform standards for
 97 recreational vehicle parks and camps which apply to:
 98 (a) The liability for property of guests left on sites;
 99 (b) Separation and setback distances established at the
 100 time of initial approval;
 101 (c) Unclaimed property;
 102 (d) Conduct of transient guests;
 103 (e) Theft of personal property;
 104 (f) Evictions of transient guests; and
 105 (g) Writs of distress.
 106 (4) Local governmental actions, ordinances, and
 107 resolutions must be consistent with the uniform standards
 108 established pursuant to this chapter and as implemented by rules
 109 of the department. This chapter does not limit the authority of
 110 a local government to adopt and enforce land use, building,
 111 firesafety, and other regulations.
 112 (5) However, nothing in this chapter qualifies a mobile

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113 | home park, a lodging park, a recreational vehicle park, or a
 114 | recreational camp for a liquor license issued under s.
 115 | 561.20(2)(a)1. Mobile home parks, lodging parks, recreational
 116 | vehicle parks, and recreational camps regulated under this
 117 | chapter are exempt from regulation under the provisions of
 118 | chapter 509.

119 | Section 3. Section 513.014, Florida Statutes, is amended
 120 | to read:

121 | 513.014 Applicability of recreational vehicle park
 122 | provisions to mobile home parks.—A mobile home park that has
 123 | five or more sites set aside for recreational vehicles shall,
 124 | for those sites set aside for recreational vehicles, comply with
 125 | the recreational vehicle park requirements included in this
 126 | chapter. This section does not require a mobile home park with
 127 | spaces set aside for recreational vehicles to obtain two
 128 | licenses. ~~However, a mobile home park that rents spaces to~~
 129 | ~~recreational vehicles on the basis of long-term leases is~~
 130 | ~~required to comply with the laws and rules relating to mobile~~
 131 | ~~home parks including but not limited to chapter 723, if~~
 132 | ~~applicable.~~

133 | Section 4. Section 513.02, Florida Statutes, is amended to
 134 | read:

135 | 513.02 Permits ~~Permit~~.—

136 | (1) A person may not establish or maintain a mobile home
 137 | park, lodging park, recreational vehicle park, or recreational
 138 | camp in this state without first obtaining an operating ~~a~~ permit
 139 | from the department. ~~Such permit is not transferable from one~~
 140 | ~~place or person to another. Each permit must be renewed~~

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141 ~~annually.~~

142 (2) Prior to commencement of construction of a new park or
 143 camp, or any change to an existing park or camp which requires
 144 construction of new sanitary facilities or additional permitted
 145 sites, a person who operates or maintains such park or camp must
 146 contact the department to receive a review and approval. The
 147 items required to be submitted and the process for issuing a
 148 review and approval shall be set by department rule.

149 (3) (a) An operating permit is not transferable from one
 150 place or person to another. Each permit must be renewed
 151 annually.

152 (b) ~~(2)~~ The department may refuse to issue an operating a
 153 permit to, or refuse to renew the operating permit of, any park
 154 or camp that is not constructed or maintained in accordance with
 155 law and with the rules of the department.

156 (c) ~~(3)~~ The department may suspend or revoke an operating a
 157 permit issued to any person that operates or maintains such a
 158 park or camp if such person fails to comply with this chapter or
 159 the rules adopted by the department under this chapter.

160 (d) ~~(4)~~ An operating A permit for the operation of a park
 161 or camp may not be renewed or transferred if the permittee has
 162 an outstanding fine assessed pursuant to this chapter which is
 163 in final-order status and judicial reviews are exhausted, unless
 164 the transferee agrees to assume the outstanding fine.

165 (e) ~~(5)~~ When a park or camp regulated under this chapter is
 166 sold or its ownership transferred, the purchaser transferee must
 167 apply to the department for an operating a permit within 30 days
 168 after to the department before the date of sale transfer. The

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169 applicant must provide the department with a copy of the
 170 recorded deed or lease agreement before the department may issue
 171 an operating ~~a~~ permit to the applicant.

172 Section 5. Section 513.03, Florida Statutes, is amended to
 173 read:

174 513.03 Application for and issuance of permit.-

175 (1) An application for an operating ~~a~~ permit must be made
 176 in writing to the department~~,~~ on a form prescribed by the
 177 department. The application must state the location of the
 178 existing or proposed park or camp;~~,~~ the type of park or camp;
 179 the number of mobile homes or recreational vehicles to be
 180 accommodated; ~~or~~ the number of recreational campsites,
 181 buildings, and sites set aside for group camping, including
 182 barracks, cabins, cottages, and tent spaces; the type of water
 183 supply;~~,~~ the method of sewage disposal; and any other
 184 information the department requires.

185 (2) If the department is satisfied, after reviewing the
 186 application of the proposed or existing park or camp and causing
 187 an inspection to be made, that the park or camp complies with
 188 this chapter and is so located, constructed, and equipped as not
 189 to be a source of danger to the health of the general public,
 190 the department shall issue the necessary approval or operating
 191 permit, in writing, on a form prescribed by the department.

192 Section 6. Subsection (1) of section 513.045, Florida
 193 Statutes, is amended to read:

194 513.045 Permit fees.-

195 (1) (a) Each person seeking a permit to establish, operate,
 196 or maintain a mobile home park, lodging park, recreational

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197 vehicle park, or recreational camp must pay to the department a
 198 fee, the amount of which shall be set by rule of the department.

199 (b) Fees established pursuant to this subsection must be
 200 based on the actual costs incurred by the department in carrying
 201 out its responsibilities under this chapter.

202 1. The fee for an annual operating a permit may not be set
 203 at a rate that is more than \$6.50 per space or less than \$3.50
 204 per space. ~~Until rules setting these fees are adopted by the~~
 205 department, the permit fee per space is \$3.50. The annual
 206 operating permit fee for a nonexempt recreational camp shall be
 207 based on an equivalency rate for which two camp occupants equal
 208 one space. The total fee assessed to an applicant for an annual
 209 operating permit may not be more than \$600 or less than \$50,
 210 except that a fee may be prorated on a quarterly basis. Failure
 211 to pay an annual operating permit fee in a timely manner shall
 212 result in the assessment of late fees by the department.

213 2. A person who seeks department review of plans for a
 214 proposed park or camp may submit such plans to the department
 215 for an assessment of whether such plans meet the requirements of
 216 this chapter and the rules adopted under this chapter.

217 3. A person constructing a new park or camp or adding
 218 spaces or renovating an existing park or camp shall, prior to
 219 such construction, renovation, or addition, submit plans to the
 220 department for department review and approval.

221 4. The department shall, by rule, establish a fee, not to
 222 exceed \$1,000, for a temporary operating permit for temporary
 223 events falling within this section. The amount of fee shall be
 224 based upon the size, duration, and location of the event and the

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225 sanitary facilities and services available or to be provided at
 226 that location. The fee shall be based solely upon the projected
 227 costs of review of the permit application and inspections by the
 228 department to achieve compliance with the requirements of the
 229 department. Licensed parks and camps are exempt from this fee
 230 and the temporary event permit requirement.

231 (c) A recreational camp operated by a civic, fraternal,
 232 educational, or religious organization that does not rent to the
 233 public is exempt from the fee requirements of this subsection.

234 Section 7. Section 513.05, Florida Statutes, is amended to
 235 read:

236 513.05 Rules.—The department may adopt rules pertaining to
 237 the location, construction, modification, equipment, and
 238 operation of mobile home parks, lodging parks, recreational
 239 vehicle parks, and recreational camps, except as provided in s.
 240 633.022, as necessary to administer this chapter. Such rules may
 241 include definitions of terms; requirements for temporary events
 242 at unlicensed locations which may require a temporary operating
 243 permit under this chapter; plan reviews of proposed and existing
 244 parks and camps; plan reviews of parks that consolidate or
 245 expand space or capacity or change space size; water supply;
 246 sewage collection and disposal; plumbing and backflow
 247 prevention; garbage and refuse storage, collection, and
 248 disposal; insect and rodent control; space requirements; heating
 249 facilities; food service; lighting; sanitary facilities;
 250 bedding; an occupancy equivalency to spaces for permits for
 251 recreational camps; sanitary facilities in recreational vehicle
 252 parks; and the owners' responsibilities at recreational vehicle

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253 parks and recreational camps.

254 Section 8. Section 513.054, Florida Statutes, is amended
255 to read:

256 513.054 Penalties for specified offenses by operator.—

257 (1) Any operator of a mobile home park, lodging park, ~~or~~
258 recreational vehicle park, or a recreational camp who obstructs
259 or hinders any agent of the department in the proper discharge
260 of the agent's duties; who fails, neglects, or refuses to obtain
261 an operating a permit for the park or camp or refuses to pay the
262 operating permit fee required by law; or who fails or refuses to
263 perform any duty imposed upon the operator by law or rule
264 commits ~~is guilty of~~ a misdemeanor of the second degree,
265 punishable as provided in s. 775.082 or s. 775.083.

266 (2) On each day that such park or camp is operated in
267 violation of law or rule, there is a separate offense.

268 Section 9. Section 513.055, Florida Statutes, is amended
269 to read:

270 513.055 Revocation or suspension of operating permit;
271 fines; procedure.—

272 (1) (a) The department may suspend or revoke an operating a
273 permit issued to any person for a mobile home park, lodging
274 park, recreational vehicle park, or recreational camp upon the
275 failure of that person to comply with this chapter or the rules
276 adopted under this chapter.

277 (b) An operating A permit may not be suspended under this
278 section for a period of more than 12 months. At the end of the
279 period of suspension, the permittee may apply for reinstatement
280 or renewal of the operating permit. A person whose operating

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281 permit is revoked may not apply for another operating permit for
 282 that location prior to the date on which the revoked operating
 283 permit would otherwise have expired.

284 (2) (a) In lieu of such suspension or revocation of an
 285 operating a permit, the department may impose a fine against a
 286 permittee for the permittee's failure to comply with the
 287 provisions described in paragraph (1) (a) or may place such
 288 licensee on probation. No fine so imposed shall exceed \$500 for
 289 each offense, and all amounts collected in fines shall be
 290 deposited with the Chief Financial Officer to the credit of the
 291 County Health Department Trust Fund.

292 (b) In determining the amount of fine to be imposed, if
 293 any, for a violation, the department shall consider the
 294 following factors:

295 1. The gravity of the violation and the extent to which
 296 the provisions of the applicable statutes or rules have been
 297 violated.

298 2. Any action taken by the operator to correct the
 299 violation.

300 3. Any previous violation.

301 Section 10. Subsection (1) of section 513.10, Florida
 302 Statutes, is amended to read:

303 513.10 Operating without permit; enforcement of chapter;
 304 penalties.—

305 (1) Any person who maintains or operates a mobile home
 306 park, lodging park, recreational vehicle park, or recreational
 307 camp without first obtaining an operating a permit as required
 308 by s. 513.02, or who maintains or operates such a park or camp

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309 after revocation of the operating permit, commits ~~is guilty of~~ a
 310 misdemeanor of the second degree, punishable as provided in s.
 311 775.082 or s. 775.083.

312 Section 11. Section 513.111, Florida Statutes, is
 313 repealed.

314 Section 12. Section 513.1115, Florida Statutes, is created
 315 to read:

316 513.1115 Placement of recreational vehicles on lots in
 317 permitted parks.-

318 (1) Separation distances between recreational vehicles
 319 shall be the distances established at the time of initial
 320 approval of the recreational vehicle park by the department and
 321 the local government.

322 (2) Setback distances from the exterior property boundary
 323 of the recreational vehicle park shall be the setback distances
 324 established at the time of the initial approval by the
 325 department and the local government.

326 (3) This section does not limit the regulation of the
 327 uniform firesafety standards established under s. 633.022.

328 Section 13. Subsection (1) of section 513.112, Florida
 329 Statutes, is amended to read:

330 513.112 Maintenance of guest register and copy of laws.-

331 (1) It is the duty of each operator of a recreational
 332 vehicle park that rents to transient guests to maintain at all
 333 times a register, signed by or for guests who occupy rental
 334 sites within the park. The register must show the dates upon
 335 which the rental sites were occupied by such guests and the
 336 rates charged for the guests' occupancy. This register shall be

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337 maintained in chronological order ~~and shall be available for~~
 338 ~~inspection by the department at any time.~~ An operator is not
 339 required to retain a register that is more than 2 years old.

340 Section 14. Section 513.115, Florida Statutes, is amended
 341 to read:

342 513.115 Unclaimed property.—Any property having an
 343 identifiable owner which is left in a recreational vehicle park
 344 by a guest, including, but not limited to, ~~other than~~ property
 345 belonging to a guest who has vacated the premises without notice
 346 to the operator and with an outstanding account, which property
 347 remains unclaimed after having been held by the park for 90 days
 348 ~~after written notice was provided to the guest or the owner of~~
 349 ~~the property, may be disposed of by~~ becomes the property of the
 350 park. Any titled property, including a boat, recreational
 351 vehicle, or other vehicle, shall be disposed of in accordance
 352 with the requirements of chapter 715.

353 Section 15. Subsections (2) and (4) of section 513.13,
 354 Florida Statutes, are amended to read:

355 513.13 Recreational vehicle parks; eviction; grounds;
 356 proceedings.—

357 (2) The operator of any recreational vehicle park shall
 358 notify such guest that the park no longer desires to entertain
 359 the guest and shall request that such guest immediately depart
 360 from the park. Such notice shall be given in writing. If such
 361 guest has paid in advance, the park shall, at the time such
 362 notice is given, tender to the guest the unused portion of the
 363 advance payment. Any guest who remains or attempts to remain in
 364 such park after being requested to leave commits ~~is guilty of a~~

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365 misdemeanor of the second degree, punishable as provided in s.
 366 775.082 or s. 775.083. If the notice is given in the presence of
 367 a law enforcement officer by posting or personal delivery and
 368 the person fails to depart from the park immediately, the person
 369 commits a misdemeanor of the second degree, punishable as
 370 provided in s. 775.082 or s. 775.083.

371 (4) If any person is illegally on the premises of any
 372 recreational vehicle park, the operator of such park may call
 373 upon any law enforcement officer of this state for assistance.
 374 It is the duty of such law enforcement officer, upon the request
 375 of such operator, to place under arrest and take into custody
 376 for violation of this section any guest who violates subsection
 377 (1) or subsection (2) in the presence of the officer. If a
 378 warrant has been issued by the proper judicial officer for the
 379 arrest of any violator of subsection (1) or subsection (2), the
 380 officer shall serve the warrant, arrest the person, and take the
 381 person into custody. Upon arrest, with or without warrant, the
 382 guest is deemed to have given up any right to occupancy or to
 383 have abandoned the guest's right to occupancy of the premises of
 384 the recreational vehicle park; and the operator of the park
 385 shall employ all reasonable and proper means to care for any
 386 personal property left on the premises by such guest and shall
 387 refund any unused portion of moneys paid by such guest for the
 388 occupancy of such premises. The operator is not liable for
 389 damages to personal property left on the premises by a guest who
 390 violates subsection (1) or subsection (2) and is arrested by a
 391 law enforcement officer.

392 Section 16. This act shall take effect July 1, 2010.