

By the Committee on Community Affairs; and Senator Dean

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1 A bill to be entitled
2 An act relating to mobile home and recreational
3 vehicle parks; amending s. 513.01, F.S.; providing and
4 revising definitions; amending s. 513.012, F.S.;
5 specifying laws and rules to be enforced by the
6 Department of Health; providing for the adoption of
7 rules; amending s. 513.014, F.S.; revising
8 applicability of recreational vehicle park
9 requirements to mobile home parks; amending s. 513.02,
10 F.S.; revising permit requirements; providing
11 requirements for construction review and approval for
12 private parks and camps; requiring the department to
13 adopt rules; amending s. 513.03, F.S.; revising
14 requirements for permit applications; amending s.
15 513.045, F.S.; providing for an annual operating
16 permit fee to be charged to operators of certain parks
17 or camps; amending s. 513.05, F.S.; providing the
18 department with additional rulemaking authority;
19 amending s. 513.054, F.S.; providing that an operator
20 of a mobile home park, lodging park, recreational
21 vehicle park, or recreational camp who refuses to pay
22 the operating permit fee required by law or who fails,
23 neglects, or refuses to obtain an operating permit for
24 the park commits a misdemeanor of the second degree;
25 amending s. 513.055, F.S.; conforming terminology;
26 amending s. 513.10, F.S.; providing that a person who
27 operates a mobile home park, lodging park,
28 recreational vehicle park, or recreational camp
29 without an operating permit commits a misdemeanor of

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30 the second degree; repealing s. 513.111, F.S.,
31 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
35 a provision requiring guest registers to be made
36 available for inspection by the department at any
37 time; amending s. 513.115, F.S.; revising requirements
38 for the handling of unclaimed property; amending s.
39 513.13, F.S.; providing a penalty for failure to
40 depart from a park under certain circumstances;
41 barring an operator from certain liability; providing
42 an effective date.

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

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

51 513.01 Definitions.—As used in this chapter, the term:

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

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59 contained in the structure.

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

71 Section 2. Section 513.012, Florida Statutes, is amended to
72 read:

73 513.012 Public health laws; enforcement.—

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

82 (2) This chapter establishes uniform standards to be
83 administered and enforced by the department for the issuing of
84 permits for, and the operation of, mobile home parks, lodging
85 parks, recreational vehicle parks, and recreational camps, which
86 include:

87 (a) The design, location, and site sizes for sites in parks

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88 and camps;

89 (b) Sanitary standards for the issuing of permits for, and
90 the operation of, parks and camps;

91 (c) The issuing of permits for parks and camps as required
92 by this chapter;

93 (d) The inspection of parks and camps to enforce compliance
94 with this chapter; and

95 (e) Permit requirements.

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;

105 (g) Writs of distress;

106 (h) The maintenance of guest registers;

107 (i) Occupancy standards for transient rentals; and

108 (j) Placement of recreational vehicles by size and type.

109 (4) Local governmental actions, ordinances, and resolutions
110 must be consistent with the uniform standards established
111 pursuant to this chapter and as implemented by rules of the
112 department. This chapter does not limit the authority of a local
113 government to adopt and enforce land use, building, firesafety,
114 and other regulations.

115 (5) However, nothing in this chapter qualifies a mobile
116 home park, a lodging park, a recreational vehicle park, or a

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117 recreational camp for a liquor license issued under s.
118 561.20(2)(a)1. Mobile home parks, lodging parks, recreational
119 vehicle parks, and recreational camps regulated under this
120 chapter are exempt from regulation under the provisions of
121 chapter 509.

122 Section 3. Section 513.014, Florida Statutes, is amended to
123 read:

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

136 Section 4. Section 513.02, Florida Statutes, is amended to
137 read:

138 513.02 Permits ~~Permit~~.—

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

145 (2) Before the commencement of construction of a new park

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146 or camp or before any change to an existing park or camp which
147 requires construction of new sanitary facilities or additional
148 permitted sites, a person who operates or maintains such park or
149 camp must contact the department to receive a review and
150 approval. The items required to be submitted and the process for
151 issuing a review and approval shall be set by department rule.

152 (3) (a) An operating permit is not transferable from one
153 place or person to another. Each permit must be renewed
154 annually.

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

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

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

168 (e) ~~(5)~~ When a park or camp regulated under this chapter is
169 sold ~~or its ownership transferred~~, the purchaser who continues
170 operation of the park or camp transferee must apply to the
171 department for an operating a permit within 30 days after ~~to the~~
172 department before the date of sale transfer. The applicant must
173 provide the department with a copy of the recorded deed or lease
174 agreement before the department may issue an operating a permit

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175 to the applicant.

176 (4) Each person seeking department review of plans for a
177 proposed park or camp may submit the plans to the department for
178 an assessment of whether the plans meet the requirements of this
179 chapter and the rules.

180 (5) Each person constructing a new park or camp or adding
181 spaces to an existing park or camp must, before the
182 construction, renovation, or addition, submit plans to the
183 department for department review and approval.

184 Section 5. Section 513.03, Florida Statutes, is amended to
185 read:

186 513.03 Application for and issuance of permit.—

187 (1) An application for an operating ~~a~~ permit must be made
188 in writing to the department~~;~~ on a form prescribed by the
189 department. The application must state the location of the
190 existing or proposed park or camp~~;~~ the type of park or camp~~;~~
191 the number of mobile homes or recreational vehicles to be
192 accommodated~~;~~ ~~or~~ the number of recreational campsites,
193 buildings, and sites set aside for group camping, including
194 barracks, cabins, cottages, and tent spaces; the type of water
195 supply~~;~~ the method of sewage disposal~~;~~ and any other
196 information the department requires.

197 (2) If the department is satisfied, after reviewing the
198 application of the proposed or existing park or camp and causing
199 an inspection to be made, that the park or camp complies with
200 this chapter and is so located, constructed, and equipped as not
201 to be a source of danger to the health of the general public,
202 the department shall issue the necessary approval or operating
203 permit, in writing, on a form prescribed by the department.

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

206 513.045 Permit fees.—

207 (1) (a) Each person seeking a permit to establish, operate,
208 or maintain a mobile home park, lodging park, recreational
209 vehicle park, or recreational camp must pay to the department a
210 fee, the amount of which shall be set by rule of the department.

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

214 (c) The fee for an annual operating a permit may not be set
215 at a rate that is more than \$6.50 per space or less than \$3.50
216 per space. ~~Until rules setting these fees are adopted by the~~
217 ~~department, the permit fee per space is \$3.50.~~ The annual
218 operating permit fee for a nonexempt recreational camp shall be
219 based on an equivalency rate for which two camp occupants equal
220 one space. The total fee assessed to an applicant for an annual
221 operating permit may not be more than \$600 or less than \$50,
222 except that a fee may be prorated on a quarterly basis.

223 (d) ~~(e)~~ A recreational camp operated by a civic, fraternal,
224 educational, or religious organization that does not rent to the
225 public is exempt from the fee requirements of this subsection.

226 Section 7. Section 513.05, Florida Statutes, is amended to
227 read:

228 513.05 Rules.—The department may adopt rules pertaining to
229 the location, construction, modification, equipment, and
230 operation of mobile home parks, lodging parks, recreational
231 vehicle parks, and recreational camps, except as provided in s.
232 633.022, as necessary to administer this chapter, pursuant to

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233 the provisions of this chapter and s. 381.006. Such rules may
234 include definitions of terms; requirements for plan reviews of
235 proposed and existing parks and camps; plan reviews of parks
236 that consolidate or expand space or capacity or change space
237 size; water supply; sewage collection and disposal; plumbing and
238 backflow prevention; garbage and refuse storage, collection, and
239 disposal; insect and rodent control; space requirements; heating
240 facilities; food service; lighting; sanitary facilities;
241 bedding; an occupancy equivalency to spaces for permits for
242 recreational camps; sanitary facilities in recreational vehicle
243 parks; and the owners' responsibilities at recreational vehicle
244 parks and recreational camps.

245 Section 8. Section 513.054, Florida Statutes, is amended to
246 read:

247 513.054 Penalties for specified offenses by operator.—

248 (1) Any operator of a mobile home park, lodging park, ~~or~~
249 recreational vehicle park, ~~or a~~ recreational camp who obstructs
250 or hinders any agent of the department in the proper discharge
251 of the agent's duties; who fails, neglects, or refuses to obtain
252 an operating ~~a~~ permit for the park or camp or refuses to pay the
253 operating permit fee required by law; or who fails or refuses to
254 perform any duty imposed upon the operator by law or rule
255 commits ~~is guilty of~~ a misdemeanor of the second degree,
256 punishable as provided in s. 775.082 or s. 775.083.

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

259 Section 9. Section 513.055, Florida Statutes, is amended to
260 read:

261 513.055 Revocation or suspension of operating permit;

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262 fines; procedure.—

263 (1) (a) The department may suspend or revoke an operating a
264 permit issued to any person for a mobile home park, lodging
265 park, recreational vehicle park, or recreational camp upon the
266 failure of that person to comply with this chapter or the rules
267 adopted under this chapter.

268 (b) An operating ~~A~~ permit may not be suspended under this
269 section for a period of more than 12 months. At the end of the
270 period of suspension, the permittee may apply for reinstatement
271 or renewal of the operating permit. A person whose operating
272 permit is revoked may not apply for another operating permit for
273 that location before ~~prior to~~ the date on which the revoked
274 operating permit would otherwise have expired.

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

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

286 1. The gravity of the violation and the extent to which the
287 provisions of the applicable statutes or rules have been
288 violated.

289 2. Any action taken by the operator to correct the
290 violation.

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291 3. Any previous violation.

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

294 513.10 Operating without permit; enforcement of chapter;
295 penalties.—

296 (1) Any person who maintains or operates a mobile home
297 park, lodging park, recreational vehicle park, or recreational
298 camp without first obtaining an operating ~~a~~ permit as required
299 by s. 513.02, or who maintains or operates such a park or camp
300 after revocation of the operating permit, commits ~~is guilty of~~ a
301 misdemeanor of the second degree, punishable as provided in s.
302 775.082 or s. 775.083.

303 Section 11. Section 513.111, Florida Statutes, is repealed.

304 Section 12. Section 513.1115, Florida Statutes, is created
305 to read:

306 513.1115 Placement of recreational vehicles on lots in
307 permitted parks.—

308 (1) Separation distances between recreational vehicles
309 shall be the distances established at the time of the initial
310 approval of the recreational vehicle park by the department and
311 the local government.

312 (2) Setback distances from the exterior property boundary
313 of the recreational vehicle park shall be the setback distances
314 established at the time of the initial approval by the
315 department and the local government.

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

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

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320 513.112 Maintenance of guest register and copy of laws.—

321 (1) It is the duty of each operator of a recreational
322 vehicle park that rents to transient guests to maintain at all
323 times a register, signed by or for guests who occupy rental
324 sites within the park. The register must show the dates upon
325 which the rental sites were occupied by such guests and the
326 rates charged for the guests' occupancy. This register shall be
327 maintained in chronological order ~~and shall be available for~~
328 ~~inspection by the department at any time.~~ An operator is not
329 required to retain a register that is more than 2 years old.

330 Section 14. Section 513.115, Florida Statutes, is amended
331 to read:

332 513.115 Unclaimed property.—Any property having an
333 identifiable owner which is left in a recreational vehicle park
334 by a guest, including, but not limited to, ~~other than~~ property
335 belonging to a guest who has vacated the premises without notice
336 to the operator and with an outstanding account, which property
337 remains unclaimed after having been held by the park for 90 days
338 ~~after written notice was provided to the guest or the owner of~~
339 ~~the property, may be disposed of by~~ becomes the property of the
340 park. Any titled property, including a boat, a recreational
341 vehicle, or other vehicle, shall be disposed of in accordance
342 with the requirements of chapter 715.

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

345 513.13 Recreational vehicle parks; eviction; grounds;
346 proceedings.—

347 (2) The operator of any recreational vehicle park shall
348 notify such guest that the park no longer desires to entertain

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349 the guest and shall request that such guest immediately depart
350 from the park. Such notice shall be given in writing. If such
351 guest has paid in advance, the park shall, at the time such
352 notice is given, tender to the guest the unused portion of the
353 advance payment. Any guest who remains or attempts to remain in
354 such park after being requested to leave commits ~~is guilty of~~ a
355 misdemeanor of the second degree, punishable as provided in s.
356 775.082 or s. 775.083. If the notice is given in the presence of
357 a law enforcement officer by posting or personal delivery and
358 the person fails to depart from the park immediately, the person
359 commits a misdemeanor of the second degree, punishable as
360 provided in s. 775.082 or s. 775.083.

361 (4) If any person is illegally on the premises of any
362 recreational vehicle park, the operator of such park may call
363 upon any law enforcement officer of this state for assistance.
364 It is the duty of such law enforcement officer, upon the request
365 of such operator, to place under arrest and take into custody
366 for violation of this section any guest who violates subsection
367 (1) or subsection (2) in the presence of the officer. If a
368 warrant has been issued by the proper judicial officer for the
369 arrest of any violator of subsection (1) or subsection (2), the
370 officer shall serve the warrant, arrest the person, and take the
371 person into custody. Upon arrest, with or without warrant, the
372 guest is deemed to have given up any right to occupancy or to
373 have abandoned the guest's right to occupancy of the premises of
374 the recreational vehicle park; and the operator of the park
375 shall employ all reasonable and proper means to care for any
376 personal property left on the premises by such guest and shall
377 refund any unused portion of moneys paid by such guest for the

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378 occupancy of such premises. The operator is not liable for
379 damages to personal property left on the premises by a guest who
380 violates subsection (1) or subsection (2) and is arrested by a
381 law enforcement officer.

382 Section 16. This act shall take effect July 1, 2011.