

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 requiring the department to establish uniform standards
7 for permitting and operation of lodging parks,
8 recreational vehicle parks and camps, and mobile home
9 parks; providing application; providing construction;
10 amending s. 513.014, F.S.; revising applicability of
11 recreational vehicle park requirements to mobile home
12 parks; amending s. 513.02, F.S.; revising permit
13 requirements; providing requirements for review and
14 approval for construction of or changes to parks and
15 camps; requiring the department to adopt rules; amending
16 s. 513.03, F.S.; revising requirements for permit
17 applications; amending s. 513.045, F.S.; revising fees
18 charged to operators of certain parks or camps; providing
19 for the assessment of late fees; authorizing persons to
20 request from the department a review of plans for a
21 proposed park or camp; requiring certain plans to be
22 submitted to the department for review and approval;
23 requiring the department to establish a fee for a
24 temporary operating permit for certain events; providing
25 for calculation of the fee; providing exemptions; amending
26 s. 513.05, F.S.; providing the department with additional
27 rulemaking authority; amending s. 513.054, F.S.; providing
28 that an operator of a mobile home or recreational vehicle

29 park or camp who refuses to pay the operating permit fee
 30 required by law or who fails, neglects, or refuses to
 31 obtain an operating permit for the park or camp commits a
 32 misdemeanor of the second degree; providing penalties;
 33 amending s. 513.055, F.S.; conforming permit terminology;
 34 amending s. 513.10, F.S.; providing that a person who
 35 operates a mobile home, lodging, or recreational vehicle
 36 park or camp without an operating permit commits a
 37 misdemeanor of the second degree; providing penalties;
 38 repealing s. 513.111, F.S., relating to the posting and
 39 advertising of certain site rates; creating s. 513.1115,
 40 F.S.; providing requirements for the establishment of
 41 separation and setback distances; amending s. 513.112,
 42 F.S.; deleting a provision requiring guest registers to be
 43 made available for inspection by the department at any
 44 time; amending s. 513.115, F.S.; revising requirements for
 45 the handling of unclaimed property; amending s. 513.13,
 46 F.S.; providing a penalty for failure to depart from a
 47 park under certain circumstances; barring an operator from
 48 certain liability; providing an effective date.

49
 50 Be It Enacted by the Legislature of the State of Florida:

51
 52 Section 1. Subsection (3) of section 513.01, Florida
 53 Statutes, is amended, present subsections (5) through (11) of
 54 that section are renumbered as subsections (6) through (12),
 55 respectively, and a new subsection (5) is added to that section,
 56 to read:

57 513.01 Definitions.—As used in this chapter, the term:

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

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

77 Section 2. Section 513.012, Florida Statutes, is amended
 78 to read:

79 513.012 Public health laws; enforcement.—

80 (1) It is the intent of the Legislature that mobile home
 81 parks, lodging parks, recreational vehicle parks, and
 82 recreational camps be regulated under this chapter. As such, the
 83 department shall administer and enforce, with respect to such
 84 parks and camps, uniform laws and rules relating to sanitation,

85 control of communicable diseases, illnesses and hazards to
86 health among humans and from animals to humans, and the general
87 health of the people of the state.

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

91 (a) The design, location, and sizes of sites in parks and
92 camps.

93 (b) Sanitation standards for parks and camps.

94 (c) Occupancy standards for transient rentals in
95 recreational vehicle parks and camps.

96 (d) Permitting of parks and camps as required by this
97 chapter, including temporary events at unlicensed locations.

98 (e) Inspection of parks and camps to enforce compliance
99 with this chapter.

100 (f) Permit requirements, including late fees and penalties
101 for operating without a permit.

102 (g) The maintenance of guest registers.

103 (3) This chapter establishes uniform standards for
104 recreational vehicle parks and camps which apply to:

105 (a) The liability for property of guests left on sites.

106 (b) Separation and setback distances established at the
107 time of initial approval.

108 (c) Unclaimed property.

109 (d) Conduct of transient guests.

110 (e) Theft of personal property.

111 (f) Eviction of transient guests.

112 (g) Writs of distress.

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

119 (5) However, Nothing in this chapter qualifies a mobile
120 home park, a lodging park, a recreational vehicle park, or a
121 recreational camp for a liquor license issued under s.
122 561.20(2)(a)1. Mobile home parks, lodging parks, recreational
123 vehicle parks, and recreational camps regulated under this
124 chapter are exempt from regulation under the provisions of
125 chapter 509.

126 Section 3. Section 513.014, Florida Statutes, is amended
127 to read:

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

140 Section 4. Section 513.02, Florida Statutes, is amended to

141 read:

142 513.02 Permits ~~Permit~~.—

143 (1) A person may not establish or maintain a mobile home
 144 park, lodging park, recreational vehicle park, or recreational
 145 camp in this state without first obtaining an operating ~~a~~ permit
 146 from the department.

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

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

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

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

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

169 ~~the transferee agrees to assume the outstanding fine.~~

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

177 Section 5. Section 513.03, Florida Statutes, is amended to
 178 read:

179 513.03 Application for and issuance of permit.—

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

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

197 Section 6. Paragraph (b) of subsection (1) of section
 198 513.045, Florida Statutes, is amended to read:

199 513.045 Permit fees.—

200 (1)

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

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

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

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

223 4. The department shall, by rule, establish a fee, not to
 224 exceed \$1,000, for a temporary operating permit for a temporary

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

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

235 513.05 Rules.—The department may adopt rules pertaining to
236 the location, construction, modification, equipment, and
237 operation of mobile home parks, lodging parks, recreational
238 vehicle parks, and recreational camps, except as provided in s.
239 633.022, as necessary to administer this chapter. Such rules may
240 include definitions of terms; requirements for temporary events
241 at unlicensed locations which may require a temporary operating
242 permit under this chapter; plan reviews of proposed and existing
243 parks and camps; plan reviews of parks that consolidate or
244 expand space or capacity or change space size; water supply;
245 sewage collection and disposal; plumbing and backflow
246 prevention; garbage and refuse storage, collection, and
247 disposal; insect and rodent control; space requirements; heating
248 facilities; food service; lighting; sanitary facilities;
249 bedding; an occupancy equivalency to spaces for permits for
250 recreational camps; sanitary facilities in recreational vehicle
251 parks; and the owners' responsibilities at recreational vehicle
252 parks and recreational camps.

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

255 513.054 Penalties for specified offenses by operator.—

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

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

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

269 513.055 Revocation or suspension of operating permit;
 270 fines; procedure.—

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

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

281 that location prior to the date on which the revoked operating
 282 permit would otherwise have expired.

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

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

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

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

299 3. Any previous violation.

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

302 513.10 Operating without permit; enforcement of chapter;
 303 penalties.—

304 (1) Any person who maintains or operates a mobile home
 305 park, lodging park, recreational vehicle park, or recreational
 306 camp without first obtaining an operating a permit as required
 307 by s. 513.02, or who maintains or operates such a park or camp
 308 after revocation of the operating permit, commits ~~is guilty of~~ a

309 | misdemeanor of the second degree, punishable as provided in s.
 310 | 775.082 or s. 775.083.

311 | Section 11. Section 513.111, Florida Statutes, is
 312 | repealed.

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

315 | 513.1115 Placement of recreational vehicles on lots in
 316 | permitted parks.—

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

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

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

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

329 | 513.112 Maintenance of guest register and copy of laws.—

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

337 ~~inspection by the department at any time.~~ An operator is not
338 required to retain a register that is more than 2 years old.

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

341 513.115 Unclaimed property.—Any property having an
342 identifiable owner which is left in a recreational vehicle park
343 by a guest, including, but not limited to, ~~other than~~ property
344 belonging to a guest who has vacated the premises without notice
345 to the operator and with an outstanding account, which property
346 remains unclaimed after having been held by the park for 90 days
347 ~~after written notice was provided to the guest or the owner of~~
348 ~~the property,~~ may be disposed of by ~~becomes the property of the~~
349 park. Any titled property, including a boat, recreational
350 vehicle, or other vehicle, shall be disposed of in accordance
351 with chapter 715.

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

354 513.13 Recreational vehicle parks; eviction; grounds;
355 proceedings.—

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

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

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

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