

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; requiring
12 certain construction and renovation plans to be submitted
13 to the department for review and approval; amending s.
14 513.03, F.S.; revising requirements for permit
15 applications; amending s. 513.045, F.S.; revising fees
16 charged to operators of certain parks or camps;
17 authorizing persons to request from the department a
18 review of plans for a proposed park or camp; amending s.
19 513.05, F.S.; providing the department with additional
20 rulemaking authority; amending s. 513.054, F.S.; providing
21 that an operator of a mobile home park, lodging park,
22 recreational vehicle park, or recreational 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; providing penalties; amending s. 513.055, F.S.;
27 conforming terminology; amending s. 513.10, F.S.;
28 providing that a person who operates a mobile home park,

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

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

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 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
 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
 72 to 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, pursuant to and consistent
 82 with the delegation of authority established in this section and
 83 s. 381.006.

84 (2) This chapter establishes uniform standards to be

85 administered and enforced by the department for the issuing of
86 permits for, and the operation of, mobile home parks, lodging
87 parks, recreational vehicle parks, and recreational camps, which
88 include:

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

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

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

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

97 (e) Permit requirements.

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

100 (a) Occupancy standards for transient rentals in
101 recreational vehicle parks and camps;

102 (b) The liability for property of guests left on sites;

103 (c) Separation and setback distances established at the
104 time of initial approval;

105 (d) The maintenance of guest registers;

106 (e) Unclaimed property;

107 (f) Conduct of transient guests;

108 (g) Theft of personal property;

109 (h) Evictions of transient guests;

110 (i) Writs of distress; and

111 (j) The placement of recreational vehicles as described in
112 s. 320.01(1)(b) according to their sizes and types.

CS/CS/HB 847

2011

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. ~~Such permit is not transferable from one~~
 147 ~~place or person to another. Each permit must be renewed~~
 148 ~~annually.~~

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

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

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

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

167 (d) (4) An operating ~~A~~ permit for ~~the operation of~~ a park
 168 or camp may not be renewed ~~or transferred~~ if the permittee has

169 an outstanding fine assessed pursuant to this chapter which is
 170 in final-order status and judicial reviews are exhausted, ~~unless~~
 171 ~~the transferee agrees to assume the outstanding fine.~~

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

180 (4) Each person seeking department review of plans for a
 181 proposed park or camp may submit such plans to the department
 182 for an assessment of whether such plans meet the requirements of
 183 this chapter and the rules adopted under this chapter.

184 (5) Each person constructing a new park or camp or adding
 185 spaces to an existing park or camp must, before the
 186 construction, renovation, or addition, submit plans to the
 187 department for department review and approval.

188 Section 5. Section 513.03, Florida Statutes, is amended to
 189 read:

190 513.03 Application for and issuance of permit.—

191 (1) An application for an operating a permit must be made
 192 in writing to the department, ~~on~~ a form prescribed by the
 193 department. The application must state the location of the
 194 existing or proposed park or camp; ~~the~~ the type of park or camp; ~~the~~ the
 195 the number of mobile homes or recreational vehicles to be
 196 accommodated; ~~or~~ the the number of recreational campsites,

197 buildings, and sites set aside for group camping, including
 198 barracks, cabins, cottages, and tent spaces; the type of water
 199 supply;~~;~~ the method of sewage disposal;~~;~~ and any other
 200 information the department requires.

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

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

210 513.045 Permit fees.—

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

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

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

225 operating permit may not be more than \$600 or less than \$50,
 226 except that a fee may be prorated on a quarterly basis.

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

230 Section 7. Section 513.05, Florida Statutes, is amended to
 231 read:

232 513.05 Rules.—The department may adopt rules pertaining to
 233 the location, construction, modification, equipment, and
 234 operation of mobile home parks, lodging parks, recreational
 235 vehicle parks, and recreational camps, except as provided in s.
 236 633.022, as necessary to administer and enforce this chapter,
 237 pursuant to and consistent with the delegation of authority
 238 established in this section and s. 381.006. Such rules may
 239 include definitions of terms; requirements for plan reviews of
 240 proposed and existing parks and camps; plan reviews of parks
 241 that consolidate or expand space or capacity or change space
 242 size; water supply; sewage collection and disposal; plumbing and
 243 backflow prevention; garbage and refuse storage, collection, and
 244 disposal; insect and rodent control; space requirements; heating
 245 facilities; food service; lighting; sanitary facilities;
 246 bedding; an occupancy equivalency to spaces for permits for
 247 recreational camps; sanitary facilities in recreational vehicle
 248 parks; and the owners' responsibilities at recreational vehicle
 249 parks and recreational camps.

250 Section 8. Section 513.054, Florida Statutes, is amended
 251 to read:

252 513.054 Penalties for specified offenses by operator.—

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

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

264 Section 9. Section 513.055, Florida Statutes, is amended
 265 to read:

266 513.055 Revocation or suspension of operating permit;
 267 fines; procedure.—

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

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

280 (2) (a) In lieu of such suspension or revocation of an

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

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

291 1. The gravity of the violation and the extent to which
 292 the provisions of the applicable statutes or rules have been
 293 violated.

294 2. Any action taken by the operator to correct the
 295 violation.

296 3. Any previous violation.

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

299 513.10 Operating without permit; enforcement of chapter;
 300 penalties.—

301 (1) Any person who maintains or operates a mobile home
 302 park, lodging park, recreational vehicle park, or recreational
 303 camp without first obtaining an operating a permit as required
 304 by s. 513.02, or who maintains or operates such a park or camp
 305 after revocation of the operating permit, commits ~~is guilty of~~ a
 306 misdemeanor of the second degree, punishable as provided in s.
 307 775.082 or s. 775.083.

308 Section 11. Section 513.111, Florida Statutes, is

CS/CS/HB 847

2011

309 repealed.

310 Section 12. Section 513.1115, Florida Statutes, is created
311 to read:

312 513.1115 Placement of recreational vehicles on lots in
313 permitted parks.—

314 (1) Separation distances between recreational vehicles
315 shall be the distances established at the time of the initial
316 approval of the recreational vehicle park by the department and
317 the local government.

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

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

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

326 513.112 Maintenance of guest register and copy of laws.—

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

336 Section 14. Section 513.115, Florida Statutes, is amended

CS/CS/HB 847

2011

337 to read:

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

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

351 513.13 Recreational vehicle parks; eviction; grounds;
 352 proceedings.—

353 (2) The operator of any recreational vehicle park shall
 354 notify such guest that the park no longer desires to entertain
 355 the guest and shall request that such guest immediately depart
 356 from the park. Such notice shall be given in writing. If such
 357 guest has paid in advance, the park shall, at the time such
 358 notice is given, tender to the guest the unused portion of the
 359 advance payment. Any guest who remains or attempts to remain in
 360 such park after being requested to leave commits ~~is guilty of~~ a
 361 misdemeanor of the second degree, punishable as provided in s.
 362 775.082 or s. 775.083. If the notice is given in the presence of
 363 a law enforcement officer by posting or personal delivery and
 364 the person fails to depart from the park immediately, the person

CS/CS/HB 847

2011

365 commits a misdemeanor of the second degree, punishable as
366 provided in s. 775.082 or s. 775.083.

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

388 Section 16. This act shall take effect September 1, 2011.