

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Health and Human Services

BILL: CS/SB 938

INTRODUCER: Senator Dean

SUBJECT: Recreational Vehicle Parks

DATE: March 18, 2013 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Looke	Stovall	HP	Fav/CS
2. Brown	Pigott	AHS	Favorable
3.		AP	
4.			
5.			
6.			

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

CS/SB 938 amends and creates sections in chapter 513, Florida Statutes, to:

- Create a definition for the term “occupancy” from language already present in the definition of the term “recreational vehicle” (RV).
- Fix setback and separation distances for RV sites at the time of initial approval of an RV park.
- Repeal section 513.111, F.S., which regulates site rates, the posting of signs, and advertising in and for RV parks and establishes penalties for violating those regulations.

The bill has no fiscal impact.

The bill has an effective date of July 1, 2013.

This bill substantially amends section 513.01, Florida Statutes.

The bill creates section 513.1115, Florida Statutes.

The bill repeals section 513.111, Florida Statutes.

II. Present Situation:

The Department of Health (DOH) is required under s. 381.006, F.S., to conduct an environmental health program as part of fulfilling the state's public health mission. The mission of the environmental health program is to detect and prevent disease caused by natural and manmade factors in the environment. The environmental health program includes the oversight of mobile home parks, lodging parks, RV parks, and recreational camps, as provided in ch. 513, F.S.¹

Chapter 513, F.S., provides that the DOH is the exclusive regulatory and permitting authority for sanitary standards for all mobile home parks, lodging parks, RV parks and recreational camps.² In addition to permit and sanitation requirements, ch. 513, F.S., requires each RV park renting by the day or week to post its rates, regulates the manner in which the rates are advertised, and requires each operator of a recreational vehicle park to maintain a guest register and a copy of ch. 513, F.S.

Chapter 513, F.S., also provides for:

- The operator of a recreational vehicle park's liability;
- The disposition of unclaimed property;
- The establishment of park rules and regulations;
- The right of a park operator to refuse accommodations or service in certain circumstances;
- Criminal penalties for persons obtaining park accommodations through fraud;
- Criminal penalties for theft of property belonging to the park;
- The eviction of transient guests; and
- Writs of distress.³

Pursuant to s. 513.05, F.S.,⁴ the DOH has adopted rules in Chapter 64E-15, Florida Administrative Code, pertaining to: minimum area requirements, water supply, sewage disposal, sanitary facilities, plumbing, garbage and refuse disposal, insect and rodent control, recreational camp standards, permits and fees, and owner's and operator's responsibilities.⁵

The Mobile Home and Recreational Vehicle Parks Program is administered within the DOH by the Division of Environmental Health. The program's primary objective is to minimize the risk

¹ Section 381.006(14), F.S.

² Section 513.051, F.S.

³ According to s. 83.12, F.S., "a distress writ shall be issued by a judge of the court which has jurisdiction of the amount claimed. The writ shall enjoin the defendant from damaging, disposing of, secreting, or removing any property liable to distress from the rented real property after the time of service of the writ until the sheriff levies on the property, the writ is vacated, or the court otherwise orders." Section 513.151, F.S., authorizes an operator of a recreational vehicle park to levy a lien against the property of a guest if a guest vacates the premises with an outstanding account.

⁴ See s. 513.05, F.S., "The DOH may adopt rules pertaining to the location, construction, modification, equipment, and operation of mobile home parks, lodging parks, recreational vehicle parks, and recreational vehicle camps... as necessary to administer this chapter."

⁵ See 64E-15.002-15.008, F.A.C.

of injury and illness by conducting routine inspections of parks and camps. The inspections focus on proper sewage disposal, safe drinking water, safe solid waste collection and disposal, and safe and disease-free swimming pools (where provided) to minimize the risk of certain diseases and minimize infestations of harmful insects and rodents. County health departments are responsible for receiving and investigating environmental health and sanitation complaints; they also conduct routine inspections, plan reviews, educational programs, investigations, complaints, and enforcement actions.⁶

DOH enforcement actions may include citations, fines, or suspension or revocation of an operating permit.⁷ However, the DOH may only use a single enforcement procedure for any one violation.⁸ Certain violations of ch. 513, F.S., are also subject to criminal penalties.⁹

Currently, there are approximately 5,500 mobile home parks, lodging parks, recreational vehicle parks, and recreational camps in Florida.¹⁰ Permits for mobile home parks, lodging parks, recreational vehicle parks, and recreational camps are issued annually by the DOH under s. 513.02, F.S. Section 513.045, F.S., sets the permissible statutory range for permit fees at \$3.50-\$6.50 per space, and the total assessed fee at no less than \$50 or more than \$600, annually.¹¹ Permit fees are set by the DOH rule at \$4 per space and cumulatively not less than \$100 or more than \$600 annually.¹²

Certain local governments have adopted ordinances with definitions of terms that conflict with the definition of terms under ch. 513, F.S. For example, Charlotte County¹³ has adopted an ordinance that defines a “mobile home” as a vehicle exceeding 8 feet in width and 32 feet in overall length, which contradicts the definition of the term mobile home in s. 513.01(3), F.S., which defines a mobile home as a residential structure that is 8 body feet (2.4 meters) or more in width and over 35 feet in length with the hitch. Volusia County¹⁴ splits the definition of “mobile recreational shelters and vehicles” into multiple categories, some of which provide for different length and width requirements.¹⁵

III. Effect of Proposed Changes:

Section 1 amends s. 513.01, F.S., to create a new definition for the term “occupancy” from language already present in the definition of the term “recreational vehicle” in the same section.

⁶ The Department of Health, Division of Environmental Health, *Mobile Home and Recreational Vehicle Park Program*, available at: <<http://www.doh.state.fl.us/environment/community/mobile/index.html>> (Last visited on March 7, 2012).

⁷ Sections 513.055 and 513.065, F.S.

⁸ Section 513.065(6), F.S.

⁹ Sections 513.054 (second-degree misdemeanor for specified offenses by an operator of a camp or park), 513.10 (second-degree misdemeanor for operating without a permit), 513.111 (second-degree misdemeanor for an advertising violation), and 513.122, F.S. (third-degree felony for theft of guest property by park employee).

¹⁰ See *supra* note 6.

¹¹ Section 513.045, F.S.

¹² Rule 64E-15.010, F.A.C.

¹³ Ordinances of Charlotte County, Florida, Part III: *Land Development and Growth Management*, Ch. 3-4 “Mobile Homes,” S. 3-4-1, “Definitions,” available at: http://library.municode.com/HTML/10526/level2/PTIIILADEGRMA_CH3-4MOHO.html#PTIIILADEGRMA_CH3-4MOHO_S3-4-1DE (Last visited on March 7, 2012).

¹⁴ Volusia County Code of Ordinances, Ch. 72: *Land Planning*, “Definitions,” available at: <http://library.municode.com/index.aspx?clientid=11665> (Last visited on March 7, 2012).

¹⁵ See s. 316.515, F.S.

Section 2 creates s. 513.1115, F.S., which fixes, at the time of initial approval of an RV park by the DOH and the local government, setback distances for the placement of RVs on lots in RV parks and separation distances for RV sites within an RV park. This section does not limit regulation under the uniform fire safety standards established in s. 633.022, F.S.

Section 3 repeals s. 513.111, F.S., which regulates site rates, the posting of signs, and advertising in and for RV parks and establishes penalties for violating those regulations.

Section 4 provides an effective date of July 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Health Policy on March 14, 2013:**

The CS amends SB 938 to make technical changes and delete section 2 which:

- Stated the legislative intent that RV parks and recreational camps be regulated uniformly statewide under ch. 513, F.S.
- Required the DOH to administer and enforce laws and rules, with respect to RV parks and recreational camps, relating to sanitation, control of communicable diseases, illnesses, and hazards to health among humans, hazards to health from animals to humans, and the general health of the people of the state.
- Required the DOH to develop and enforce standards and procedures for RV parks and recreational camps including, but not limited to:
 - The design, location, at site sizes for sites in parks and camps, including separation and setback distances established at the time of initial approval;
 - Permit requirements;
 - The inspection of parks and camps to enforce compliance with ch. 513, F.S.; and
 - Standards and procedures for the operation of parks and camps as detailed in this section, relating to a guest register, occupancy standards, conduct of transient guests, eviction procedures, writs of distress, theft of personal property, liability for personal property left on site, and disposal of unclaimed property.
- Mandated local governmental action, ordinances, and resolutions be consistent with the provisions in ch. 513, F.S., with exceptions for land use, building, fire safety, and other regulations.

B. Amendments:

None.