

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 amending s. 513.014, F.S.; revising applicability of
7 recreational vehicle park requirements to mobile home
8 parks; amending s. 513.02, F.S.; revising permit
9 requirements; providing construction review and approval
10 requirements for private parks and camps; amending s.
11 513.03, F.S.; revising permit application requirements;
12 amending s. 513.045, F.S.; revising fees charged to
13 operators of certain parks or camps; providing for the
14 assessment of late fees; authorizing persons to request
15 from the department a review of plans for a proposed park
16 or camp; authorizing a fee for such review; requiring
17 certain construction and renovation plans to be submitted
18 to the department for review and approval; requiring the
19 department to establish fees for review of such plans and
20 for reinspection of certain parks or camps; amending s.
21 513.05, F.S.; providing the department with additional
22 rulemaking authority; amending s. 513.051, F.S.; providing
23 for state preemption of regulatory and permitting
24 authority for sanitary and other standards for parks and
25 camps under this chapter; amending s. 513.054, F.S.;
26 revising penalties for specified offenses by a park or
27 camp operator; amending s. 513.055, F.S.; conforming
28 permit terminology; amending s. 513.10, F.S.; increasing

29 | the penalty for operation of a park or camp without a
 30 | permit; repealing s. 513.111, F.S., relating to the
 31 | posting and advertising of certain site rates; creating s.
 32 | 513.1115, F.S.; providing requirements for the
 33 | establishment of separation and setback distances;
 34 | amending s. 513.112, F.S.; deleting a provision requiring
 35 | guest registers to be made available for inspection by the
 36 | department at any time; amending s. 513.115, F.S.;
 37 | revising requirements for the handling of unclaimed
 38 | property; amending s. 513.13, F.S.; providing a penalty
 39 | 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 |

45 | Section 1. Subsections (5) through (11) of section 513.01,
 46 | Florida Statutes, are renumbered as subsections (6) through
 47 | (12), respectively, a new subsection (5) is added to that
 48 | section, and present subsections (3) and (9) of that section are
 49 | amended, to read:

50 | 513.01 Definitions.--As used in this chapter, the term:

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

HB 1347

2009

57 plumbing, heating, air-conditioning, and electrical systems
58 contained in the structure.

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

70 (10)-(9) "Recreational vehicle" has the same meaning as
71 provided for the term "recreational vehicle-type unit" in s.
72 320.01. However, the terms "temporary living quarters" and
73 "seasonal or temporary living quarters" as used in s. 320.01, in
74 reference to recreational vehicles placed in recreational
75 vehicle parks, relate to the period of time the recreational
76 vehicle is occupied as living quarters during each year and not
77 to the period of time it is located in the recreational vehicle
78 park. ~~During the time the recreational vehicle is not occupied~~
79 ~~as temporary or seasonal quarters, it may be stored and tied~~
80 ~~down on the recreational vehicle site. The affixing of a~~
81 ~~recreational vehicle to the ground by way of tie-downs or other~~
82 ~~removable fasteners, and the attachment of carports, porches,~~
83 ~~screen rooms, and similar appurtenances by way of removable~~

HB 1347

2009

84 ~~attaching devices, does not render the recreational vehicle a~~
85 ~~permanent part of the recreational vehicle site.~~

86 Section 2. Section 513.012, Florida Statutes, is amended
87 to read:

88 513.012 Public health laws; enforcement.--It is the intent
89 of the Legislature that mobile home parks, lodging parks,
90 recreational vehicle parks, and recreational camps be regulated
91 under this chapter. As such, the department shall administer and
92 enforce, with respect to such parks and camps, laws and rules
93 provided pursuant ss. 513.01-513.1115 related, but not limited,
94 ~~relating~~ to sanitation, control of communicable diseases,
95 illnesses and hazards to health among humans and from animals to
96 humans, and the general health of the people of the state.
97 However, nothing in this chapter qualifies a mobile home park, a
98 lodging park, a recreational vehicle park, or a recreational
99 camp for a liquor license issued under s. 561.20(2)(a)1. Mobile
100 home parks, lodging parks, recreational vehicle parks, and
101 recreational camps regulated under this chapter are exempt from
102 regulation under the provisions of chapter 509.

103 Section 3. Section 513.014, Florida Statutes, is amended
104 to read:

105 513.014 Applicability of recreational vehicle park
106 provisions to mobile home parks.--A mobile home park that has
107 five or more sites set aside for recreational vehicles shall,
108 for those sites set aside for recreational vehicles, comply with
109 the recreational vehicle park requirements included in this
110 chapter. This section does not require a mobile home park with
111 spaces set aside for recreational vehicles to obtain two

112 licenses. ~~However, a mobile home park that rents spaces to~~
 113 ~~recreational vehicles on the basis of long-term leases is~~
 114 ~~required to comply with the laws and rules relating to mobile~~
 115 ~~home parks including but not limited to chapter 723, if~~
 116 ~~applicable.~~

117 Section 4. Section 513.02, Florida Statutes, is amended to
 118 read:

119 513.02 Permits ~~Permit~~.--

120 (1) A person may not establish or maintain a mobile home
 121 park, lodging park, recreational vehicle park, or recreational
 122 camp in this state without first obtaining an operating ~~a~~ permit
 123 from the department. ~~Such permit is not transferable from one~~
 124 ~~place or person to another. Each permit must be renewed~~
 125 ~~annually.~~

126 (2) Prior to commencement of construction of a new park or
 127 camp, or any change to an existing park or camp that requires
 128 construction of new sanitary facilities or additional permitted
 129 sites, a person who operates or maintains such park or camp must
 130 contact the department to receive a construction review and
 131 approval. The items required to be submitted and the process for
 132 issuing a construction review and approval shall be set by
 133 department rule.

134 (3) (a) An operating permit is not transferable from one
 135 place or person to another. Each permit must be renewed
 136 annually.

137 (b) ~~(2)~~ The department may refuse a permit to, or refuse to
 138 renew the operating permit of, any park or camp that is not

139 constructed or maintained in accordance with law and with the
 140 rules of the department.

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

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

150 ~~(e)(5)~~ When a park or camp regulated under this chapter is
 151 sold ~~or its ownership transferred~~, the purchaser transferee must
 152 apply for an operating a permit to the department within 30 days
 153 after ~~before~~ the date of sale transfer. The applicant must
 154 provide the department with a copy of the recorded deed or lease
 155 agreement before the department may issue an operating a permit
 156 to the applicant.

157 Section 5. Section 513.03, Florida Statutes, is amended to
 158 read:

159 513.03 Application for and issuance of permit.--

160 (1) An application for an operating a permit must be made
 161 in writing to the department, on a form prescribed by the
 162 department. The application must state the location of the
 163 existing or proposed park or camp;; the type of park or camp;;
 164 the number of mobile homes or recreational vehicles to be
 165 accommodated;; ~~or~~ the number of recreational campsites,
 166 buildings, and sites set aside for group camping, including

HB 1347

2009

167 barracks, cabins, cottages, and tent spaces; the type of water
168 supply;~~;~~ the method of sewage disposal;~~;~~ and any other
169 information the department requires.

170 (2) If the department is satisfied, after reviewing the
171 application of the proposed or existing park or camp and causing
172 an inspection to be made, that the park or camp complies with
173 this chapter and is so located, constructed, and equipped as not
174 to be a source of danger to the health of the general public,
175 the department shall issue the necessary construction approval
176 or operating permit, in writing, on a form prescribed by the
177 department.

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

180 513.045 Permit fees.--

181 (1) (a) Each person seeking a ~~permit~~ to establish, operate,
182 or maintain a mobile home park, lodging park, recreational
183 vehicle park, or recreational camp must pay to the department
184 the fees imposed under this section ~~a fee~~, the amount of which
185 shall be set by rule of the department.

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

189 1. The fee for an annual operating ~~a permit~~ may not be set
190 at a rate that is more than \$6.50 per space or less than \$3.50
191 per space. ~~Until rules setting these fees are adopted by the~~
192 ~~department, the permit fee per space is \$3.50.~~ The annual
193 operating permit fee for a nonexempt recreational camp shall be
194 based on an equivalency rate for which two camp occupants equal

HB 1347

2009

195 one space. The total fee assessed to an applicant for an annual
196 operating permit may not be more than \$1,000 ~~\$600~~ or less than
197 \$50, except that a fee may be prorated on a quarterly basis.
198 Failure to pay an annual operating permit fee in a timely manner
199 shall result in the assessment of late fees by the department.

200 2. A person who seeks department review of plans for a
201 proposed park or camp may submit such plans to the department
202 for an assessment of whether such plans meet the requirements of
203 this chapter and the rules adopted under this chapter. The
204 department may charge a fee established by rule for review of
205 such plans, not to exceed an amount sufficient to cover the cost
206 to the department of such review.

207 3. A person constructing a new park or camp or adding
208 spaces or renovating an existing park or camp shall, prior to
209 such construction, renovation, or addition, submit construction
210 plans to the department for department review and approval. The
211 department shall establish by rule a fee for such construction
212 plan review and approval. Such fee shall include but not exceed
213 an amount sufficient to cover the costs incurred by the
214 department for plan review and inspections conducted prior to
215 the opening of the park.

216 4. The department shall establish by rule a reinspection
217 fee in an amount sufficient to cover but not exceed the costs
218 associated with multiple reinspections that are required to
219 obtain compliance with chronic environmental, public health, and
220 safety violations that have been the subject of more than two
221 inspections for cited violations and that have not been
222 contested or corrected by the park or camp owner.

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

246 Section 8. Section 513.051, Florida Statutes, is amended
 247 to read:

248 513.051 Preemption.--The department is the exclusive
 249 regulatory and permitting authority for sanitary and other
 250 standards set forth in ss. 513.01-513.1115 for all mobile home

251 parks, lodging parks, recreational vehicle parks, and
 252 recreational camps in accordance with the provisions of this
 253 chapter. There is hereby expressly preempted to the state all
 254 regulation of mobile home parks, lodging parks, recreational
 255 vehicle parks, and recreational camps subject to ss. 513.01-
 256 513.1115. Every unit of local government is prohibited from
 257 taking any action, including the enacting of any rule,
 258 regulation, or ordinance, with respect to the matters and things
 259 hereby preempted to the state.

260 Section 9. Section 513.054, Florida Statutes, is amended
 261 to read:

262 513.054 Penalties for specified offenses by operator.--

263 (1) Any operator of a mobile home park, lodging park, ~~or~~
 264 recreational vehicle park, or a recreational camp who obstructs
 265 or hinders any agent of the department in the proper discharge
 266 of the agent's duties; who fails, neglects, or refuses to obtain
 267 an operating a permit for the park or camp or refuses to pay the
 268 operating permit fee required by law; or who operates the park
 269 or camp in a grossly negligent manner that endangers the health,
 270 safety, or welfare of the general public commits a felony of the
 271 third degree, punishable as provided in s. 775.082, s. 775.083,
 272 or s. 775.084.

273 (2) Any operator of a mobile home park, lodging park,
 274 recreational vehicle park, or recreational camp who fails or
 275 refuses to perform any duty imposed upon the operator by law or
 276 rule commits ~~is guilty of~~ a misdemeanor of the second degree,
 277 punishable as provided in s. 775.082 or s. 775.083.

278 (3) On each day that such park or camp is operated in
 279 violation of law or rule, there is a separate offense.

280 Section 10. Section 513.055, Florida Statutes, is amended
 281 to read:

282 513.055 Revocation or suspension of operating permit;
 283 fines; procedure.--

284 (1) (a) The department may suspend or revoke an operating a
 285 permit issued to any person for a mobile home park, lodging
 286 park, recreational vehicle park, or recreational camp upon the
 287 failure of that person to comply with this chapter or the rules
 288 adopted under this chapter.

289 (b) An operating A permit may not be suspended under this
 290 section for a period of more than 12 months. At the end of the
 291 period of suspension, the permittee may apply for reinstatement
 292 or renewal of the operating permit. A person whose operating
 293 permit is revoked may not apply for another operating permit for
 294 that location prior to the date on which the revoked operating
 295 permit would otherwise have expired.

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

HB 1347

2009

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

307 1. The gravity of the violation and the extent to which
 308 the provisions of the applicable statutes or rules have been
 309 violated.

310 2. Any action taken by the operator to correct the
 311 violation.

312 3. Any previous violation.

313 Section 11. Subsection (1) of section 513.10, Florida
 314 Statutes, is amended to read:

315 513.10 Operating without permit; enforcement of chapter;
 316 penalties.--

317 (1) Any person who maintains or operates a mobile home
 318 park, lodging park, recreational vehicle park, or recreational
 319 camp without first obtaining an operating a permit as required
 320 by s. 513.02, or who maintains or operates such a park or camp
 321 after revocation of the operating permit, commits ~~is guilty of a~~
 322 felony misdemeanor of the third ~~second~~ degree, punishable as
 323 provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

324 Section 12. Section 513.111, Florida Statutes, is
 325 repealed.

326 Section 13. Section 513.1115, Florida Statutes, is created
 327 to read:

328 513.1115 Placement of recreational vehicles on lots in
 329 permitted parks.--

330 (1) Separation distances between recreational vehicles
 331 shall be the distances established at the time of initial

332 approval of the recreational vehicle park by the department or
 333 as historically applied by local government. This subsection
 334 does not limit the regulation of the uniform firesafety
 335 standards established under s. 633.022.

336 (2) Setback distances from the exterior property boundary
 337 of the recreational vehicle park shall be in accordance with the
 338 setback distances applicable at the time of the approval by the
 339 department for construction of the recreational vehicle park.

340 Section 14. Subsection (1) of section 513.112, Florida
 341 Statutes, is amended to read:

342 513.112 Maintenance of guest register and copy of laws.--

343 (1) It is the duty of each operator of a recreational
 344 vehicle park that rents to transient guests to maintain at all
 345 times a register, signed by or for guests who occupy rental
 346 sites within the park. The register must show the dates upon
 347 which the rental sites were occupied by such guests and the
 348 rates charged for the guests' occupancy. This register shall be
 349 maintained in chronological order ~~and shall be available for~~
 350 ~~inspection by the department at any time.~~ An operator is not
 351 required to retain a register that is more than 2 years old.

352 Section 15. Section 513.115, Florida Statutes, is amended
 353 to read:

354 513.115 Unclaimed property.--Any property having an
 355 identifiable owner which is left in a recreational vehicle park
 356 by a guest, including, but not limited to, ~~other than~~ property
 357 belonging to a guest who has vacated the premises without notice
 358 to the operator and with an outstanding account, which property
 359 remains unclaimed after having been held by the park for 90 days

HB 1347

2009

360 ~~after written notice was provided to the guest or the owner of~~
 361 ~~the property, may be disposed of by becomes the property of the~~
 362 park.

363 Section 16. Subsections (2) and (4) of section 513.13,
 364 Florida Statutes, are amended to read:

365 513.13 Recreational vehicle parks; eviction; grounds;
 366 proceedings.--

367 (2) The operator of any recreational vehicle park shall
 368 notify such guest that the park no longer desires to entertain
 369 the guest and shall request that such guest immediately depart
 370 from the park. Such notice shall be given in writing. If such
 371 guest has paid in advance, the park shall, at the time such
 372 notice is given, tender to the guest the unused portion of the
 373 advance payment. Any guest who remains or attempts to remain in
 374 such park after being requested to leave commits ~~is guilty of~~ a
 375 misdemeanor of the second degree, punishable as provided in s.
 376 775.082 or s. 775.083. If the notice is given in the presence of
 377 a law enforcement officer by either posting or personal delivery
 378 and the person fails to depart from the park immediately, the
 379 person commits a misdemeanor of the second degree, punishable as
 380 provided in s. 775.082 or s. 775.083.

381 (4) If any person is illegally on the premises of any
 382 recreational vehicle park, the operator of such park may call
 383 upon any law enforcement officer of this state for assistance.
 384 It is the duty of such law enforcement officer, upon the request
 385 of such operator, to place under arrest and take into custody
 386 for violation of this section any guest who violates subsection
 387 (1) or subsection (2) in the presence of the officer. If a

HB 1347

2009

388 | warrant has been issued by the proper judicial officer for the
389 | arrest of any violator of subsection (1) or subsection (2), the
390 | officer shall serve the warrant, arrest the person, and take the
391 | person into custody. Upon arrest, with or without warrant, the
392 | guest is deemed to have given up any right to occupancy or to
393 | have abandoned the guest's right to occupancy of the premises of
394 | the recreational vehicle park; and the operator of the park
395 | shall employ all reasonable and proper means to care for any
396 | personal property left on the premises by such guest and shall
397 | refund any unused portion of moneys paid by such guest for the
398 | occupancy of such premises. The operator is not liable for
399 | damages to personal property left on the premises by a guest who
400 | violates subsection (1) or subsection (2) and is arrested by law
401 | enforcement.

402 | Section 17. This act shall take effect July 1, 2009.