

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

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

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

52
53 Section 1. Subsections (5) through (11) of section 513.01,
54 Florida Statutes, are renumbered as subsections (6) through
55 (12), respectively, a new subsection (5) is added to that
56 section, and present subsections (3) and (9) of that section are
57 amended, to read:

58 513.01 Definitions.—As used in this chapter, the term:

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

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

78 (10) ~~(9)~~ "Recreational vehicle" has the same meaning as
79 provided for the term "recreational vehicle-type unit" in s.
80 320.01. However, the terms "temporary living quarters" and
81 "seasonal or temporary living quarters" as used in s. 320.01, in
82 reference to recreational vehicles placed in recreational
83 vehicle parks, relate to the period of time the recreational
84 vehicle is occupied as living quarters during each year and not
85 to the period of time it is located in the recreational vehicle
86 park. ~~During the time the recreational vehicle is not occupied~~
87 ~~as temporary or seasonal quarters, it may be stored and tied~~

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88 ~~down on the recreational vehicle site. The affixing of a~~
89 ~~recreational vehicle to the ground by way of tie downs or other~~
90 ~~removable fasteners, and the attachment of carports, porches,~~
91 ~~screen rooms, and similar appurtenances by way of removable~~
92 ~~attaching devices, does not render the recreational vehicle a~~
93 ~~permanent part of the recreational vehicle site.~~

94 Section 2. Section 513.012, Florida Statutes, is amended to
95 read:

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

111 Section 3. Section 513.014, Florida Statutes, is amended to
112 read:

113 513.014 Applicability of recreational vehicle park
114 provisions to mobile home parks.—A mobile home park that has
115 five or more sites set aside for recreational vehicles shall,
116 for those sites set aside for recreational vehicles, comply with

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117 the recreational vehicle park requirements included in this
118 chapter. This section does not require a mobile home park with
119 spaces set aside for recreational vehicles to obtain two
120 licenses. ~~However, a mobile home park that rents spaces to~~
121 ~~recreational vehicles on the basis of long-term leases is~~
122 ~~required to comply with the laws and rules relating to mobile~~
123 ~~home parks including but not limited to chapter 723, if~~
124 ~~applicable.~~

125 Section 4. Section 513.02, Florida Statutes, is amended to
126 read:

127 513.02 Permits ~~Permit.~~-

128 (1) A person may not establish or maintain a mobile home
129 park, lodging park, recreational vehicle park, or recreational
130 camp in this state without first obtaining an operating ~~a~~ permit
131 from the department. ~~Such permit is not transferable from one~~
132 ~~place or person to another. Each permit must be renewed~~
133 ~~annually.~~

134 (2) Prior to commencement of construction of a new park or
135 camp, or any change to an existing park or camp that requires
136 construction of new sanitary facilities or additional permitted
137 sites, a person who operates or maintains such park or camp must
138 contact the department to receive a construction review and
139 approval. The items required to be submitted and the process for
140 issuing a construction review and approval shall be set by
141 department rule.

142 (3) (a) An operating permit is not transferable from one
143 place or person to another. Each permit must be renewed
144 annually.

145 (b) ~~(2)~~ The department may refuse a permit to, or refuse to

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146 renew the operating permit of, any park or camp that is not
 147 constructed or maintained in accordance with law and with the
 148 rules of the department.

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

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

158 ~~(e)(5)~~ When a park or camp regulated under this chapter is
 159 sold ~~or its ownership transferred~~, the purchaser transferee must
 160 apply for an operating a permit to the department within 30 days
 161 after ~~before~~ the date of sale transfer. The applicant must
 162 provide the department with a copy of the recorded deed or lease
 163 agreement before the department may issue an operating a permit
 164 to the applicant.

165 Section 5. Section 513.03, Florida Statutes, is amended to
 166 read:

167 513.03 Application for and issuance of permit.—

168 (1) An application for an operating a permit must be made
 169 in writing to the department, on a form prescribed by the
 170 department. The application must state the location of the
 171 existing or proposed park or camp; the type of park or camp;
 172 the number of mobile homes or recreational vehicles to be
 173 accommodated; ~~or~~ the number of recreational campsites,
 174 buildings, and sites set aside for group camping, including

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175 barracks, cabins, cottages, and tent spaces; the type of water
176 supply;~~;~~ the method of sewage disposal;~~;~~ and any other
177 information the department requires.

178 (2) If the department is satisfied, after reviewing the
179 application of the proposed or existing park or camp and causing
180 an inspection to be made, that the park or camp complies with
181 this chapter and is so located, constructed, and equipped as not
182 to be a source of danger to the health of the general public,
183 the department shall issue the necessary construction approval
184 or operating permit, in writing, on a form prescribed by the
185 department.

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

188 513.045 Permit fees.—

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

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

197 1. The fee for an annual operating ~~a permit~~ may not be set
198 at a rate that is more than \$6.50 per space or less than \$3.50
199 per space. ~~Until rules setting these fees are adopted by the~~
200 ~~department, the permit fee per space is \$3.50.~~ The annual
201 operating permit fee for a nonexempt recreational camp shall be
202 based on an equivalency rate for which two camp occupants equal
203 one space. The total fee assessed to an applicant for an annual

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204 operating permit may not be more than \$1,000 ~~\$600~~ or less than
205 \$50, except that a fee may be prorated on a quarterly basis.
206 Failure to pay an annual operating permit fee in a timely manner
207 shall result in the assessment of late fees by the department.

208 2. A person who seeks department review of plans for a
209 proposed park or camp may submit such plans to the department
210 for an assessment of whether such plans meet the requirements of
211 this chapter and the rules adopted under this chapter. The
212 department may charge a fee established by rule for review of
213 such plans, not to exceed an amount sufficient to cover the cost
214 to the department of such review.

215 3. A person constructing a new park or camp or adding
216 spaces or renovating an existing park or camp shall, prior to
217 such construction, renovation, or addition, submit construction
218 plans to the department for department review and approval. The
219 department shall establish by rule a fee for such construction
220 plan review and approval. Such fee shall include but not exceed
221 an amount sufficient to cover the costs incurred by the
222 department for plan review and inspections conducted prior to
223 the opening of the park.

224 4. The department shall establish by rule a reinspection
225 fee in an amount sufficient to cover but not exceed the costs
226 associated with multiple reinspections that are required to
227 obtain compliance with chronic environmental, public health, and
228 safety violations that have been the subject of more than two
229 inspections for cited violations and that have not been
230 contested or corrected by the park or camp owner.

231 (c) A recreational camp operated by a civic, fraternal,
232 educational, or religious organization that does not rent to the

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233 public is exempt from the fee requirements of this subsection.

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

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

254 Section 8. Section 513.051, Florida Statutes, is amended to
255 read:

256 513.051 Preemption.—The department is the exclusive
257 regulatory and permitting authority for sanitary and other
258 standards set forth in ss. 513.01-513.1115 for all mobile home
259 parks, lodging parks, recreational vehicle parks, and
260 recreational camps in accordance with the provisions of this
261 chapter. There is hereby expressly preempted to the state all

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262 regulation of mobile home parks, lodging parks, recreational
263 vehicle parks, and recreational camps subject to ss. 513.01-
264 513.1115. Every unit of local government is prohibited from
265 taking any action, including the enacting of any rule,
266 regulation, or ordinance, with respect to the matters and things
267 hereby preempted to the state.

268 Section 9. Section 513.054, Florida Statutes, is amended to
269 read:

270 513.054 Penalties for specified offenses by operator.—

271 (1) Any operator of a mobile home park, lodging park, ~~or~~
272 recreational vehicle park, or ~~a~~ recreational camp who obstructs
273 or hinders any agent of the department in the proper discharge
274 of the agent's duties; who fails, neglects, or refuses to obtain
275 an operating ~~a~~ permit for the park or camp or refuses to pay the
276 operating permit fee required by law; or who fails or refuses to
277 perform any duty imposed upon the operator by law or rule
278 commits ~~is guilty of~~ a misdemeanor of the second degree,
279 punishable as provided in s. 775.082 or s. 775.083.

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

282 Section 10. Section 513.055, Florida Statutes, is amended
283 to read:

284 513.055 Revocation or suspension of operating permit;
285 fines; procedure.—

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

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

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

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

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

312 2. Any action taken by the operator to correct the
313 violation.

314 3. Any previous violation.

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

317 513.10 Operating without permit; enforcement of chapter;
318 penalties.—

319 (1) Any person who maintains or operates a mobile home

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320 park, lodging park, recreational vehicle park, or recreational
321 camp without first obtaining an operating ~~a~~ permit as required
322 by s. 513.02, or who maintains or operates such a park or camp
323 after revocation of the operating permit, commits ~~is guilty of~~ a
324 misdemeanor of the second degree, punishable as provided in s.
325 775.082 or s. 775.083.

326 Section 12. Section 513.111, Florida Statutes, is repealed.

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

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

331 (1) Separation distances between recreational vehicles
332 shall be the distances established at the time of initial
333 approval of the recreational vehicle park by the department or
334 as historically applied by local government. This subsection
335 does not limit the regulation of the uniform firesafety
336 standards established under s. 633.022.

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

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

343 513.112 Maintenance of guest register and copy of laws.-

344 (1) It is the duty of each operator of a recreational
345 vehicle park that rents to transient guests to maintain at all
346 times a register, signed by or for guests who occupy rental
347 sites within the park. The register must show the dates upon
348 which the rental sites were occupied by such guests and the

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349 rates charged for the guests' occupancy. This register shall be
350 maintained in chronological order ~~and shall be available for~~
351 ~~inspection by the department at any time.~~ An operator is not
352 required to retain a register that is more than 2 years old.

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

355 513.115 Unclaimed property.—Any property having an
356 identifiable owner which is left in a recreational vehicle park
357 by a guest, including, but not limited to, ~~other than~~ property
358 belonging to a guest who has vacated the premises without notice
359 to the operator and with an outstanding account, which property
360 remains unclaimed after having been held by the park for 90 days
361 ~~after written notice was provided to the guest or the owner of~~
362 ~~the property,~~ may be disposed of by ~~becomes the property of the~~
363 park.

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

366 513.13 Recreational vehicle parks; eviction; grounds;
367 proceedings.—

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

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378 a law enforcement officer by either posting or personal delivery
379 and the person fails to depart from the park immediately, the
380 person commits a misdemeanor of the second degree, punishable as
381 provided in s. 775.082 or s. 775.083.

382 (4) If any person is illegally on the premises of any
383 recreational vehicle park, the operator of such park may call
384 upon any law enforcement officer of this state for assistance.
385 It is the duty of such law enforcement officer, upon the request
386 of such operator, to place under arrest and take into custody
387 for violation of this section any guest who violates subsection
388 (1) or subsection (2) in the presence of the officer. If a
389 warrant has been issued by the proper judicial officer for the
390 arrest of any violator of subsection (1) or subsection (2), the
391 officer shall serve the warrant, arrest the person, and take the
392 person into custody. Upon arrest, with or without warrant, the
393 guest is deemed to have given up any right to occupancy or to
394 have abandoned the guest's right to occupancy of the premises of
395 the recreational vehicle park; and the operator of the park
396 shall employ all reasonable and proper means to care for any
397 personal property left on the premises by such guest and shall
398 refund any unused portion of moneys paid by such guest for the
399 occupancy of such premises. The operator is not liable for
400 damages to personal property left on the premises by a guest who
401 violates subsection (1) or subsection (2) and is arrested by a
402 law enforcement officer.

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