

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 requirements for construction
10 review and approval for private parks and camps; amending
11 s. 513.03, F.S.; revising requirements for permit
12 applications; amending s. 513.045, F.S.; revising fees
13 charged to operators of certain parks or camps; providing
14 for the assessment of late fees; authorizing persons to
15 request from the department a review of plans for a
16 proposed park or camp; authorizing a fee for such review;
17 requiring certain construction and renovation plans to be
18 submitted to the department for review and approval;
19 requiring the department to establish a fee for review of
20 such plans; amending s. 513.05, F.S.; providing the
21 department with additional rulemaking authority; amending
22 s. 513.051, F.S.; providing for state preemption of
23 regulatory and permitting authority for sanitary and other
24 standards for parks and camps under ch. 513, F.S.;;
25 amending s. 513.054, F.S.; providing that an operator of a
26 mobile home or recreational vehicle park or camp who
27 refuses to pay the operating permit fee required by law or
28 who fails, neglects, or refuses to obtain an operating

29 permit for the park or camp commits a misdemeanor of the
 30 second degree; amending s. 513.055, F.S.; conforming
 31 permit terminology; amending s. 513.10, F.S.; providing
 32 that a person who operates a mobile home, lodging, or
 33 recreational vehicle park or recreational camp without an
 34 operating permit commits a misdemeanor of the second
 35 degree; repealing s. 513.111, F.S., relating to the
 36 posting and advertising of certain site rates; creating s.
 37 513.1115, F.S.; providing requirements for the
 38 establishment of separation and setback distances;
 39 amending s. 513.112, F.S.; deleting a provision requiring
 40 guest registers to be made available for inspection by the
 41 department at any time; amending s. 513.115, F.S.;

42 revising requirements for the handling of unclaimed
 43 property; amending s. 513.13, F.S.; providing a penalty
 44 for failure to depart from a park under certain
 45 circumstances; barring an operator from certain liability;
 46 providing an effective date.

47
 48 Be It Enacted by the Legislature of the State of Florida:

49
 50 Section 1. Subsections (5) through (11) of section 513.01,
 51 Florida Statutes, are renumbered as subsections (6) through
 52 (12), respectively, a new subsection (5) is added to that
 53 section, and present subsections (3) and (9) of that section are
 54 amended, to read:

55 513.01 Definitions.--As used in this chapter, the term:
 56 (3) "Mobile home" means a residential structure that is

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

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

75 | (10)~~(9)~~ "Recreational vehicle" has the same meaning as
 76 | provided for the term "recreational vehicle-type unit" in s.
 77 | 320.01. However, the terms "temporary living quarters" and
 78 | "seasonal or temporary living quarters" as used in s. 320.01, in
 79 | reference to recreational vehicles placed in recreational
 80 | vehicle parks, relate to the period of time the recreational
 81 | vehicle is occupied as living quarters during each year and not
 82 | to the period of time it is located in the recreational vehicle
 83 | park. ~~During the time the recreational vehicle is not occupied~~
 84 | ~~as temporary or seasonal quarters, it may be stored and tied~~

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

91 Section 2. Section 513.012, Florida Statutes, is amended
 92 to read:

93 513.012 Public health laws; enforcement.--It is the intent
 94 of the Legislature that mobile home parks, lodging parks,
 95 recreational vehicle parks, and recreational camps be regulated
 96 under this chapter. As such, the department shall administer and
 97 enforce, with respect to such parks and camps, laws and rules
 98 provided pursuant to ss. 513.01-513.1115 which are related, but
 99 not limited, ~~relating~~ to sanitation, control of communicable
 100 diseases, illnesses and hazards to health among humans and from
 101 animals to humans, and the general health of the people of the
 102 state. However, nothing in this chapter qualifies a mobile home
 103 park, a lodging park, a recreational vehicle park, or a
 104 recreational camp for a liquor license issued under s.
 105 561.20(2)(a)1. Mobile home parks, lodging parks, recreational
 106 vehicle parks, and recreational camps regulated under this
 107 chapter are exempt from regulation under the provisions of
 108 chapter 509.

109 Section 3. Section 513.014, Florida Statutes, is amended
 110 to read:

111 513.014 Applicability of recreational vehicle park
 112 provisions to mobile home parks.--A mobile home park that has

HB 197

2010

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

123 Section 4. Section 513.02, Florida Statutes, is amended to
124 read:

125 513.02 Permits ~~Permit~~.--

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

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

140 (3) (a) An operating permit is not transferable from one

141 place or person to another. Each permit must be renewed
 142 annually.

143 (b)(2) The department may refuse an operating a permit to,
 144 or refuse to renew the operating permit of, any park or camp
 145 that is not constructed or maintained in accordance with law and
 146 with the rules of the department.

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

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

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

163 Section 5. Section 513.03, Florida Statutes, is amended to
 164 read:

165 513.03 Application for and issuance of permit.--

166 (1) An application for an operating a permit must be made
 167 in writing to the department, ~~on a form prescribed by the~~
 168 department. The application must state the location of the

169 existing or proposed park or camp;~~i~~ the type of park or camp;~~i~~
 170 the number of mobile homes or recreational vehicles to be
 171 accommodated; ~~or~~ the number of recreational campsites,
 172 buildings, and sites set aside for group camping, including
 173 barracks, cabins, cottages, and tent spaces; the type of water
 174 supply;~~i~~ the method of sewage disposal;~~i~~ and any other
 175 information the department requires.

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

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

186 513.045 Permit fees.--

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

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

195 1. The fee for an annual operating ~~a~~ permit may not be set
 196 at a rate that is more than \$6.50 per space or less than \$3.50

197 ~~per space. Until rules setting these fees are adopted by the~~
198 ~~department, the permit fee per space is \$3.50.~~ The annual
199 operating permit fee for a nonexempt recreational camp shall be
200 based on an equivalency rate for which two camp occupants equal
201 one space. The total fee assessed to an applicant for an annual
202 operating permit may not be more than \$600 or less than \$50,
203 except that a fee may be prorated on a quarterly basis. Failure
204 to pay an annual operating permit fee in a timely manner shall
205 result in the assessment of late fees by the department.

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

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

222 (c) A recreational camp operated by a civic, fraternal,
223 educational, or religious organization that does not rent to the
224 public is exempt from the fee requirements of this subsection.

225 Section 7. Section 513.05, Florida Statutes, is amended to
 226 read:

227 513.05 Rules.--The department may adopt rules pertaining
 228 to the location, construction, modification, equipment, and
 229 operation of mobile home parks, lodging parks, recreational
 230 vehicle parks, and recreational camps, except as provided in s.
 231 633.022, as necessary to administer this chapter. Such rules may
 232 include definitions of terms; requirements for temporary events
 233 at unlicensed locations which may require a temporary operating
 234 permit under this chapter; plan reviews of proposed and existing
 235 parks and camps; plan reviews of parks that consolidate or
 236 expand space or capacity or change space size; water supply;
 237 sewage collection and disposal; plumbing and backflow
 238 prevention; garbage and refuse storage, collection, and
 239 disposal; insect and rodent control; space requirements; heating
 240 facilities; food service; lighting; sanitary facilities;
 241 bedding; an occupancy equivalency to spaces for permits for
 242 recreational camps; sanitary facilities in recreational vehicle
 243 parks; and the owners' responsibilities at recreational vehicle
 244 parks and recreational camps.

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

247 513.051 Preemption.--The department is the exclusive
 248 regulatory and permitting authority for sanitary and other
 249 standards set forth in ss. 513.01-513.1115 for all mobile home
 250 parks, lodging parks, recreational vehicle parks, and
 251 recreational camps in accordance with the provisions of this
 252 chapter. All regulation of mobile home parks, lodging parks,

253 recreational vehicle parks, and recreational camps subject to
 254 ss. 513.01-513.1115 is expressly preempted to the state. Every
 255 unit of local government is prohibited from taking any action,
 256 including the enacting of any rule, regulation, or ordinance,
 257 with respect to the matters and things hereby preempted to the
 258 state.

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

261 513.054 Penalties for specified offenses by operator.--

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

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

273 Section 10. Section 513.055, Florida Statutes, is amended
 274 to read:

275 513.055 Revocation or suspension of operating permit;
 276 fines; procedure.--

277 (1) (a) The department may suspend or revoke an operating a
 278 permit issued to any person for a mobile home park, lodging
 279 park, recreational vehicle park, or recreational camp upon the
 280 failure of that person to comply with this chapter or the rules

281 adopted under this chapter.

282 (b) An operating A permit may not be suspended under this
 283 section for a period of more than 12 months. At the end of the
 284 period of suspension, the permittee may apply for reinstatement
 285 or renewal of the operating permit. A person whose operating
 286 permit is revoked may not apply for another operating permit for
 287 that location prior to the date on which the revoked operating
 288 permit would otherwise have expired.

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

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

300 1. The gravity of the violation and the extent to which
 301 the provisions of the applicable statutes or rules have been
 302 violated.

303 2. Any action taken by the operator to correct the
 304 violation.

305 3. Any previous violation.

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

308 513.10 Operating without permit; enforcement of chapter;

309 penalties.--

310 (1) Any person who maintains or operates a mobile home
 311 park, lodging park, recreational vehicle park, or recreational
 312 camp without first obtaining an operating a permit as required
 313 by s. 513.02, or who maintains or operates such a park or camp
 314 after revocation of the operating permit, commits ~~is guilty of~~ a
 315 misdemeanor of the second degree, punishable as provided in s.
 316 775.082 or s. 775.083.

317 Section 12. Section 513.111, Florida Statutes, is
 318 repealed.

319 Section 13. Section 513.1115, Florida Statutes, is created
 320 to read:

321 513.1115 Placement of recreational vehicles on lots in
 322 permitted parks.--

323 (1) Separation distances between recreational vehicles
 324 shall be the distances established at the time of initial
 325 approval of the recreational vehicle park by the department or
 326 as historically applied by the local government. This subsection
 327 does not limit the regulation of the uniform firesafety
 328 standards established under s. 633.022.

329 (2) Setback distances from the exterior property boundary
 330 of the recreational vehicle park shall be in accordance with the
 331 setback distances applicable at the time of the approval by the
 332 department for construction of the recreational vehicle park.

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

335 513.112 Maintenance of guest register and copy of laws.--

336 (1) It is the duty of each operator of a recreational

337 vehicle park that rents to transient guests to maintain at all
 338 times a register, signed by or for guests who occupy rental
 339 sites within the park. The register must show the dates upon
 340 which the rental sites were occupied by such guests and the
 341 rates charged for the guests' occupancy. This register shall be
 342 maintained in chronological order ~~and shall be available for~~
 343 ~~inspection by the department at any time.~~ An operator is not
 344 required to retain a register that is more than 2 years old.

345 Section 15. Section 513.115, Florida Statutes, is amended
 346 to read:

347 513.115 Unclaimed property.--Any property having an
 348 identifiable owner which is left in a recreational vehicle park
 349 by a guest, including, but not limited to, ~~other than~~ property
 350 belonging to a guest who has vacated the premises without notice
 351 to the operator and with an outstanding account, which property
 352 remains unclaimed after having been held by the park for 90 days
 353 ~~after written notice was provided to the guest or the owner of~~
 354 ~~the property,~~ may be disposed of by ~~becomes the property of the~~
 355 park.

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

358 513.13 Recreational vehicle parks; eviction; grounds;
 359 proceedings.--

360 (2) The operator of any recreational vehicle park shall
 361 notify such guest that the park no longer desires to entertain
 362 the guest and shall request that such guest immediately depart
 363 from the park. Such notice shall be given in writing. If such
 364 guest has paid in advance, the park shall, at the time such

HB 197

2010

365 notice is given, tender to the guest the unused portion of the
366 advance payment. Any guest who remains or attempts to remain in
367 such park after being requested to leave commits ~~is guilty of~~ a
368 misdemeanor of the second degree, punishable as provided in s.
369 775.082 or s. 775.083. If the notice is given in the presence of
370 a law enforcement officer by posting or personal delivery and
371 the person fails to depart from the park immediately, the person
372 commits a misdemeanor of the second degree, punishable as
373 provided in s. 775.082 or s. 775.083.

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

HB 197

2010

393 violates subsection (1) or subsection (2) and is arrested by a
394 law enforcement officer.

395 Section 17. This act shall take effect July 1, 2010.