

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           requiring the department to establish uniform standards  
7           for permitting and operation of lodging parks,  
8           recreational vehicle parks and camps, and mobile home  
9           parks; providing application; providing construction;  
10          amending s. 513.014, F.S.; revising applicability of  
11          recreational vehicle park requirements to mobile home  
12          parks; amending s. 513.02, F.S.; revising permit  
13          requirements; providing requirements for review and  
14          approval for construction of or changes to parks and  
15          camps; requiring the department to adopt rules; amending  
16          s. 513.03, F.S.; revising requirements for permit  
17          applications; amending s. 513.045, F.S.; revising fees  
18          charged to operators of certain parks or camps; providing  
19          for the assessment of late fees; authorizing persons to  
20          request from the department a review of plans for a  
21          proposed park or camp; requiring certain plans to be  
22          submitted to the department for review and approval;  
23          requiring the department to establish a fee for a  
24          temporary operating permit for certain events; providing  
25          for calculation of the fee; providing exemptions; amending  
26          s. 513.05, F.S.; providing the department with additional  
27          rulemaking authority; amending s. 513.054, F.S.; providing  
28          that an operator of a mobile home or recreational vehicle

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

49  
 50 Be It Enacted by the Legislature of the State of Florida:

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

57 513.01 Definitions.—As used in this chapter, the term:

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

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

77 Section 2. Section 513.012, Florida Statutes, is amended  
 78 to read:

79 513.012 Public health laws; enforcement.—

80 (1) It is the intent of the Legislature that mobile home  
 81 parks, lodging parks, recreational vehicle parks, and  
 82 recreational camps be regulated under this chapter. As such, the  
 83 department shall administer and enforce, with respect to such  
 84 parks and camps, uniform laws and rules relating to sanitation,

85 control of communicable diseases, illnesses and hazards to  
86 health among humans and from animals to humans, and the general  
87 health of the people of the state.

88 (2) The department shall establish uniform standards for  
89 permitting and operation of lodging parks, recreational vehicle  
90 parks and camps, and mobile home parks, which include:

91 (a) The design, location, and sizes of sites in parks and  
92 camps.

93 (b) Sanitation standards for parks and camps.

94 (c) Occupancy standards for transient rentals in  
95 recreational vehicle parks and camps.

96 (d) Permitting of parks and camps as required by this  
97 chapter, including temporary events at unlicensed locations.

98 (e) Inspection of parks and camps to enforce compliance  
99 with this chapter.

100 (f) Permit requirements, including late fees and penalties  
101 for operating without a permit.

102 (g) The maintenance of guest registers.

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

105 (a) The liability for property of guests left on sites.

106 (b) Separation and setback distances established at the  
107 time of initial approval.

108 (c) Unclaimed property.

109 (d) Conduct of transient guests.

110 (e) Theft of personal property.

111 (f) Eviction of transient guests.

112 (g) Writs of distress.

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.

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

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

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

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

165 (d) (4) An operating A permit for ~~the operation of~~ a park  
 166 or camp may not be renewed ~~or transferred~~ if the permittee has  
 167 an outstanding fine assessed pursuant to this chapter which is  
 168 in final-order status and judicial reviews are exhausted, ~~unless~~

169 ~~the transferee agrees to assume the outstanding fine.~~

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

177 Section 5. Section 513.03, Florida Statutes, is amended to  
 178 read:

179 513.03 Application for and issuance of permit.—

180 (1) An application for an operating a permit must be made  
 181 in writing to the department, on a form prescribed by the  
 182 department. The application must state the location of the  
 183 existing or proposed park or camp; the type of park or camp;  
 184 the number of mobile homes or recreational vehicles to be  
 185 accommodated; ~~or~~ the number of recreational campsites,  
 186 buildings, and sites set aside for group camping, including  
 187 barracks, cabins, cottages, and tent spaces; the type of water  
 188 supply; the method of sewage disposal; and any other  
 189 information the department requires.

190 (2) If the department is satisfied, after reviewing the  
 191 application of the proposed or existing park or camp and causing  
 192 an inspection to be made, that the park or camp complies with  
 193 this chapter and is so located, constructed, and equipped as not  
 194 to be a source of danger to the health of the general public,  
 195 the department shall issue the necessary approval or operating  
 196 permit, in writing, on a form prescribed by the department.

197 Section 6. Paragraph (b) of subsection (1) of section  
 198 513.045, Florida Statutes, is amended to read:

199 513.045 Permit fees.—

200 (1)

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

204 1. The fee for an annual operating ~~a~~ permit may not be set  
 205 at a rate that is more than \$6.50 per space or less than \$3.50  
 206 per space. ~~Until rules setting these fees are adopted by the~~  
 207 ~~department, the permit fee per space is \$3.50.~~ The annual  
 208 operating permit fee for a nonexempt recreational camp shall be  
 209 based on an equivalency rate for which two camp occupants equal  
 210 one space. The total fee assessed to an applicant for an annual  
 211 operating permit may not be more than \$600 or less than \$50,  
 212 except that a fee may be prorated on a quarterly basis. Failure  
 213 to pay an annual operating permit fee in a timely manner shall  
 214 result in the assessment of late fees, not to exceed \$100, by  
 215 the department.

216 2. A person who seeks department review of plans for a  
 217 proposed park or camp may submit such plans to the department  
 218 for an assessment of whether such plans meet the requirements of  
 219 this chapter and the rules adopted under this chapter.

220 3. A person constructing a new park or camp or adding  
 221 spaces to or renovating an existing park or camp shall, prior to  
 222 such construction, renovation, or addition, submit plans to the  
 223 department for department review and approval.

224 4. The department shall, by rule, establish a fee, not to



225 exceed \$1,000, for a temporary operating permit for a temporary  
 226 event subject to this section. The amount of the fee shall be  
 227 based upon the size, duration, and location of the event and the  
 228 sanitary facilities and services available or to be provided at  
 229 that location. The fee shall be based solely upon the projected  
 230 costs of review of the permit application and inspections by the  
 231 department to achieve compliance with the requirements of the  
 232 department. Licensed parks and camps are exempt from this fee  
 233 and the temporary event permit requirement.

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 513.054, Florida Statutes, is amended  
255 to read:

256 513.054 Penalties for specified offenses by operator.—

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

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

268 Section 9. Section 513.055, Florida Statutes, is amended  
269 to read:

270 513.055 Revocation or suspension of operating permit;  
271 fines; procedure.—

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

277 (b) An operating A permit may not be suspended under this  
278 section for a period of more than 12 months. At the end of the  
279 period of suspension, the permittee may apply for reinstatement  
280 or renewal of the operating permit. A person whose operating

281 permit is revoked may not apply for another operating permit for  
 282 that location prior to the date on which the revoked operating  
 283 permit would otherwise have expired.

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

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

295 1. The gravity of the violation and the extent to which  
 296 the provisions of the applicable statutes or rules have been  
 297 violated.

298 2. Any action taken by the operator to correct the  
 299 violation.

300 3. Any previous violation.

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

303 513.10 Operating without permit; enforcement of chapter;  
 304 penalties.—

305 (1) Any person who maintains or operates a mobile home  
 306 park, lodging park, recreational vehicle park, or recreational  
 307 camp without first obtaining an operating a permit as required  
 308 by s. 513.02, or who maintains or operates such a park or camp

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309 after revocation of the operating permit, commits ~~is guilty of~~ a  
310 misdemeanor of the second degree, punishable as provided in s.  
311 775.082 or s. 775.083.

312 Section 11. Section 513.111, Florida Statutes, is  
313 repealed.

314 Section 12. Section 513.1115, Florida Statutes, is created  
315 to read:

316 513.1115 Placement of recreational vehicles on lots in  
317 permitted parks.—

318 (1) Separation distances between recreational vehicles  
319 shall be the distances established at the time of initial  
320 approval of the recreational vehicle park by the department and  
321 the local government.

322 (2) Setback distances from the exterior property boundary  
323 of the recreational vehicle park shall be the setback distances  
324 established at the time of initial approval of the recreational  
325 vehicle park by the department and the local government.

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

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

330 513.112 Maintenance of guest register and copy of laws.—

331 (1) It is the duty of each operator of a recreational  
332 vehicle park that rents to transient guests to maintain at all  
333 times a register, signed by or for guests who occupy rental  
334 sites within the park. The register must show the dates upon  
335 which the rental sites were occupied by such guests and the  
336 rates charged for the guests' occupancy. This register shall be

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337 maintained in chronological order ~~and shall be available for~~  
338 ~~inspection by the department at any time.~~ An operator is not  
339 required to retain a register that is more than 2 years old.

340 Section 14. Section 513.115, Florida Statutes, is amended  
341 to read:

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

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

355 513.13 Recreational vehicle parks; eviction; grounds;  
356 proceedings.—

357 (2) The operator of any recreational vehicle park shall  
358 notify such guest that the park no longer desires to entertain  
359 the guest and shall request that such guest immediately depart  
360 from the park. Such notice shall be given in writing. If such  
361 guest has paid in advance, the park shall, at the time such  
362 notice is given, tender to the guest the unused portion of the  
363 advance payment. Any guest who remains or attempts to remain in  
364 such park after being requested to leave commits ~~is guilty of a~~

365 misdemeanor of the second degree, punishable as provided in s.  
366 775.082 or s. 775.083. If the notice is given in the presence of  
367 a law enforcement officer by posting or personal delivery and  
368 the person fails to depart from the park immediately, the person  
369 commits a misdemeanor of the second degree, punishable as  
370 provided in s. 775.082 or s. 775.083.

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

392 Section 16. This act shall take effect July 1, 2010.