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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/16/2010	.	
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The Committee on Community Affairs (Gardiner) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

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

(3) "Mobile home" means a residential structure that is transportable in one or more sections, which structure is 8 body



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13 feet (2.4 meters) or more in width, over 35 feet in length with
14 the hitch, built on an integral chassis, ~~and~~ designed to be used
15 as a dwelling when connected to the required utilities, and not
16 originally sold as a recreational vehicle, and includes the
17 plumbing, heating, air-conditioning, and electrical systems
18 contained in the structure.

19 (5) "Occupancy" means the length of time that a
20 recreational vehicle is occupied by a transient guest and not
21 the length of time that such vehicle is located on the leased
22 recreational vehicle site. A recreational vehicle may be stored
23 and tied down on site when not in use to accommodate the needs
24 of the guest. The attachment of a recreational vehicle to the
25 ground by way of tie-downs or other removable fasteners, and the
26 attachment of carports, porches, screen rooms, and similar
27 appurtenances by way of removable attaching devices, do not
28 render the recreational vehicle a permanent part of the
29 recreational vehicle site.

30 Section 2. Section 513.012, Florida Statutes, is amended to
31 read:

32 513.012 Public health laws; enforcement.—

33 (1) It is the intent of the Legislature that mobile home
34 parks, lodging parks, recreational vehicle parks, and
35 recreational camps be regulated under this chapter. As such, the
36 department shall administer and enforce, with respect to such
37 parks and camps, uniform laws and rules relating to sanitation,
38 control of communicable diseases, illnesses and hazards to
39 health among humans and from animals to humans, and the general
40 health of the people of the state.

41 (2) The department shall establish uniform standards for



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42 permitting and operation of lodging parks, recreational vehicle
43 parks and camps, and mobile home parks, which include:
44 (a) The design, location, and site sizes for sites in parks
45 and camps;
46 (b) Sanitary standards for permitting and the operation of
47 parks and camps;
48 (c) Occupancy standards for transient rentals in
49 recreational vehicle parks and camps;
50 (d) Permitting of parks and camps as required by this
51 chapter, including temporary events at unlicensed locations;
52 (e) Inspection of parks and camps to enforce compliance
53 with this chapter;
54 (f) Permit requirements, including late fees and penalties
55 for operating without a permit; and
56 (g) The maintenance of guest registers.
57 (3) This chapter establishes uniform standards for
58 recreational vehicle parks and camps which apply to:
59 (a) The liability for property of guests left on sites;
60 (b) Separation and setback distances established at the
61 time of initial approval;
62 (c) Unclaimed property;
63 (d) Conduct of transient guests;
64 (e) Theft of personal property;
65 (f) Evictions of transient guests; and
66 (g) Writs of distress.
67 (4) Local governmental actions, ordinances, and resolutions
68 must be consistent with the uniform standards established
69 pursuant to this chapter and as implemented by rules of the
70 department. This chapter does not limit the authority of a local



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71 government to adopt and enforce land use, building, firesafety,
72 and other regulations.

73 (5) However, nothing in this chapter qualifies a mobile
74 home park, a lodging park, a recreational vehicle park, or a
75 recreational camp for a liquor license issued under s.

76 561.20(2)(a)1. Mobile home parks, lodging parks, recreational
77 vehicle parks, and recreational camps regulated under this
78 chapter are exempt from regulation under the provisions of
79 chapter 509.

80 Section 3. Section 513.014, Florida Statutes, is amended to
81 read:

82 513.014 Applicability of recreational vehicle park
83 provisions to mobile home parks.—A mobile home park that has
84 five or more sites set aside for recreational vehicles shall,
85 for those sites set aside for recreational vehicles, comply with
86 the recreational vehicle park requirements included in this
87 chapter. This section does not require a mobile home park with
88 spaces set aside for recreational vehicles to obtain two
89 licenses. ~~However, a mobile home park that rents spaces to~~
90 ~~recreational vehicles on the basis of long-term leases is~~
91 ~~required to comply with the laws and rules relating to mobile~~
92 ~~home parks including but not limited to chapter 723, if~~
93 ~~applicable.~~

94 Section 4. Section 513.02, Florida Statutes, is amended to
95 read:

96 513.02 Permits ~~Permit~~.—

97 (1) A person may not establish or maintain a mobile home
98 park, lodging park, recreational vehicle park, or recreational
99 camp in this state without first obtaining an operating ~~a~~ permit



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100 from the department. ~~Such permit is not transferable from one~~
101 ~~place or person to another. Each permit must be renewed~~
102 ~~annually.~~

103 (2) Prior to commencement of construction of a new park or
104 camp, or any change to an existing park or camp which requires
105 construction of new sanitary facilities or additional permitted
106 sites, a person who operates or maintains such park or camp must
107 contact the department to receive a review and approval. The
108 items required to be submitted and the process for issuing a
109 review and approval shall be set by department rule.

110 (3) (a) An operating permit is not transferable from one
111 place or person to another. Each permit must be renewed
112 annually.

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

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

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

126 (e) (5) When a park or camp regulated under this chapter is
127 sold or its ownership transferred, the purchaser transferee must
128 apply to the department for an operating a permit within 30 days



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129 ~~after to the department before~~ the date of sale transfer. The
130 applicant must provide the department with a copy of the
131 recorded deed or lease agreement before the department may issue
132 an operating a permit to the applicant.

133 Section 5. Section 513.03, Florida Statutes, is amended to
134 read:

135 513.03 Application for and issuance of permit.—

136 (1) An application for an operating a permit must be made
137 in writing to the department, on a form prescribed by the
138 department. The application must state the location of the
139 existing or proposed park or camp; the type of park or camp;
140 the number of mobile homes or recreational vehicles to be
141 accommodated; ~~or~~ the number of recreational campsites,
142 buildings, and sites set aside for group camping, including
143 barracks, cabins, cottages, and tent spaces; the type of water
144 supply; the method of sewage disposal; and any other
145 information the department requires.

146 (2) If the department is satisfied, after reviewing the
147 application of the proposed or existing park or camp and causing
148 an inspection to be made, that the park or camp complies with
149 this chapter and is so located, constructed, and equipped as not
150 to be a source of danger to the health of the general public,
151 the department shall issue the necessary approval or operating
152 permit, in writing, on a form prescribed by the department.

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

155 513.045 Permit fees.—

156 (1) (a) Each person seeking a permit to establish, operate,
157 or maintain a mobile home park, lodging park, recreational



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158 vehicle park, or recreational camp must pay to the department a
159 fee, the amount of which shall be set by rule of the department.

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

163 1. The fee for an annual operating a permit may not be set
164 at a rate that is more than \$6.50 per space or less than \$3.50
165 per space. ~~Until rules setting these fees are adopted by the~~
166 department, the permit fee per space is \$3.50. The annual
167 operating permit fee for a nonexempt recreational camp shall be
168 based on an equivalency rate for which two camp occupants equal
169 one space. The total fee assessed to an applicant for an annual
170 operating permit may not be more than \$600 or less than \$50,
171 except that a fee may be prorated on a quarterly basis. Failure
172 to pay an annual operating permit fee in a timely manner shall
173 result in the assessment of late fees by the department.

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

178 3. A person constructing a new park or camp or adding
179 spaces or renovating an existing park or camp shall, prior to
180 such construction, renovation, or addition, submit plans to the
181 department for department review and approval.

182 4. The department shall, by rule, establish a fee, not to
183 exceed \$1,000, for a temporary operating permit for temporary
184 events falling within this statute. The amount of fee shall be
185 based upon the size, duration, and location of the event and the
186 sanitary facilities and services available or to be provided at



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187 that location. The fee shall be based solely upon the projected
188 costs of review of the permit application and inspections by the
189 department to achieve compliance with the permit. Licensed parks
190 and camps as are exempt from this fee and the temporary event
191 permit requirement.

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

195 Section 7. Section 513.05, Florida Statutes, is amended to
196 read:

197 513.05 Rules.—The department may adopt rules pertaining to
198 the location, construction, modification, equipment, and
199 operation of mobile home parks, lodging parks, recreational
200 vehicle parks, and recreational camps, except as provided in s.
201 633.022, as necessary to administer this chapter. Such rules may
202 include definitions of terms; requirements for temporary events
203 at unlicensed locations which may require a temporary operating
204 permit under this chapter; plan reviews of proposed and existing
205 parks and camps; plan reviews of parks that consolidate or
206 expand space or capacity or change space size; water supply;
207 sewage collection and disposal; plumbing and backflow
208 prevention; garbage and refuse storage, collection, and
209 disposal; insect and rodent control; space requirements; heating
210 facilities; food service; lighting; sanitary facilities;
211 bedding; an occupancy equivalency to spaces for permits for
212 recreational camps; sanitary facilities in recreational vehicle
213 parks; and the owners' responsibilities at recreational vehicle
214 parks and recreational camps.

215 Section 8. Section 513.054, Florida Statutes, is amended to



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216 read:

217 513.054 Penalties for specified offenses by operator.—

218 (1) Any operator of a mobile home park, lodging park, ~~or~~
219 recreational vehicle park, or a recreational camp who obstructs
220 or hinders any agent of the department in the proper discharge
221 of the agent's duties; who fails, neglects, or refuses to obtain
222 an operating a permit for the park or camp or refuses to pay the
223 operating permit fee required by law; or who fails or refuses to
224 perform any duty imposed upon the operator by law or rule
225 commits ~~is guilty of~~ a misdemeanor of the second degree,
226 punishable as provided in s. 775.082 or s. 775.083.

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

229 Section 9. Section 513.055, Florida Statutes, is amended to
230 read:

231 513.055 Revocation or suspension of operating permit;
232 fines; procedure.—

233 (1) (a) The department may suspend or revoke an operating a
234 permit issued to any person for a mobile home park, lodging
235 park, recreational vehicle park, or recreational camp upon the
236 failure of that person to comply with this chapter or the rules
237 adopted under this chapter.

238 (b) An operating A permit may not be suspended under this
239 section for a period of more than 12 months. At the end of the
240 period of suspension, the permittee may apply for reinstatement
241 or renewal of the operating permit. A person whose operating
242 permit is revoked may not apply for another operating permit for
243 that location prior to the date on which the revoked operating
244 permit would otherwise have expired.



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

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

256 1. The gravity of the violation and the extent to which the
257 provisions of the applicable statutes or rules have been
258 violated.

259 2. Any action taken by the operator to correct the
260 violation.

261 3. Any previous violation.

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

264 513.10 Operating without permit; enforcement of chapter;
265 penalties.—

266 (1) Any person who maintains or operates a mobile home
267 park, lodging park, recreational vehicle park, or recreational
268 camp without first obtaining an operating a permit as required
269 by s. 513.02, or who maintains or operates such a park or camp
270 after revocation of the operating permit, commits ~~is guilty of~~ a
271 misdemeanor of the second degree, punishable as provided in s.
272 775.082 or s. 775.083.

273 Section 11. Section 513.111, Florida Statutes, is repealed.



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274 Section 12. Section 513.1115, Florida Statutes, is created
275 to read:

276 513.1115 Placement of recreational vehicles on lots in
277 permitted parks.-

278 (1) Separation distances between recreational vehicles
279 shall be the distances established at the time of initial
280 approval of the recreational vehicle park by the department and
281 the local government.

282 (2) Setback distances from the exterior property boundary
283 of the recreational vehicle park shall be the setback distances
284 established at the time of the initial approval by the
285 department and the local government.

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

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

290 513.112 Maintenance of guest register and copy of laws.-

291 (1) It is the duty of each operator of a recreational
292 vehicle park that rents to transient guests to maintain at all
293 times a register, signed by or for guests who occupy rental
294 sites within the park. The register must show the dates upon
295 which the rental sites were occupied by such guests and the
296 rates charged for the guests' occupancy. This register shall be
297 maintained in chronological order ~~and shall be available for~~
298 ~~inspection by the department at any time.~~ An operator is not
299 required to retain a register that is more than 2 years old.

300 Section 14. Section 513.115, Florida Statutes, is amended
301 to read:

302 513.115 Unclaimed property.-Any property having an



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303 identifiable owner which is left in a recreational vehicle park
304 by a guest, including, but not limited to, other than property
305 belonging to a guest who has vacated the premises without notice
306 to the operator and with an outstanding account, which property
307 remains unclaimed after having been held by the park for 90 days
308 ~~after written notice was provided to the guest or the owner of~~
309 ~~the property,~~ may be disposed of by becomes the property of the
310 park. Any titled property, including a boat, recreational
311 vehicle, or other vehicle, shall be disposed of in accordance
312 with the requirements of chapter 715.

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

315 513.13 Recreational vehicle parks; eviction; grounds;
316 proceedings.-

317 (2) The operator of any recreational vehicle park shall
318 notify such guest that the park no longer desires to entertain
319 the guest and shall request that such guest immediately depart
320 from the park. Such notice shall be given in writing. If such
321 guest has paid in advance, the park shall, at the time such
322 notice is given, tender to the guest the unused portion of the
323 advance payment. Any guest who remains or attempts to remain in
324 such park after being requested to leave commits is guilty of a
325 misdemeanor of the second degree, punishable as provided in s.
326 775.082 or s. 775.083. If the notice is given in the presence of
327 a law enforcement officer by posting or personal delivery and
328 the person fails to depart from the park immediately, the person
329 commits a misdemeanor of the second degree, punishable as
330 provided in s. 775.082 or s. 775.083.

331 (4) If any person is illegally on the premises of any



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332 recreational vehicle park, the operator of such park may call
333 upon any law enforcement officer of this state for assistance.
334 It is the duty of such law enforcement officer, upon the request
335 of such operator, to place under arrest and take into custody
336 for violation of this section any guest who violates subsection
337 (1) or subsection (2) in the presence of the officer. If a
338 warrant has been issued by the proper judicial officer for the
339 arrest of any violator of subsection (1) or subsection (2), the
340 officer shall serve the warrant, arrest the person, and take the
341 person into custody. Upon arrest, with or without warrant, the
342 guest is deemed to have given up any right to occupancy or to
343 have abandoned the guest's right to occupancy of the premises of
344 the recreational vehicle park; and the operator of the park
345 shall employ all reasonable and proper means to care for any
346 personal property left on the premises by such guest and shall
347 refund any unused portion of moneys paid by such guest for the
348 occupancy of such premises. The operator is not liable for
349 damages to personal property left on the premises by a guest who
350 violates subsection (1) or subsection (2) and is arrested by a
351 law enforcement officer.

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

353
354 ===== T I T L E A M E N D M E N T =====

355 And the title is amended as follows:

356 Delete everything before the enacting clause
357 and insert:

358 A bill to be entitled
359 An act relating to mobile home and recreational
360 vehicle parks; amending s. 513.01, F.S.; providing and



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361 revising definitions; amending s. 513.012, F.S.;

362 specifying laws and rules to be enforced by the

363 Department of Health; providing for the adoption of

364 rules; amending s. 513.014, F.S.; revising

365 applicability of recreational vehicle park

366 requirements to mobile home parks; amending s. 513.02,

367 F.S.; revising permit requirements; providing

368 requirements for construction review and approval for

369 private parks and camps; requiring the department to

370 adopt rules; amending s. 513.03, F.S.; revising

371 requirements for permit applications; amending s.

372 513.045, F.S.; revising fees charged to operators of

373 certain parks or camps; providing for the assessment

374 of late fees; authorizing persons to request from the

375 department a review of plans for a proposed park or

376 camp; requiring certain construction and renovation

377 plans to be submitted to the department for review and

378 approval; amending s. 513.05, F.S.; providing the

379 department with additional rulemaking authority;

380 amending s. 513.054, F.S.; providing that an operator

381 of a mobile home or recreational vehicle park or camp

382 who refuses to pay the operating permit fee required

383 by law or who fails, neglects, or refuses to obtain an

384 operating permit for the park commits a misdemeanor of

385 the second degree; amending s. 513.055, F.S.;

386 conforming permit terminology; amending s. 513.10,

387 F.S.; providing that a person who operates a mobile

388 home, lodging, or recreational vehicle park without a

389 permit commits a misdemeanor of the second degree;



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390 repealing s. 513.111, F.S., relating to the posting
391 and advertising of certain site rates; creating s.
392 513.1115, F.S.; providing requirements for the
393 establishment of separation and setback distances;
394 amending s. 513.112, F.S.; deleting a provision
395 requiring guest registers to be made available for
396 inspection by the department at any time; amending s.
397 513.115, F.S.; revising requirements for the handling
398 of unclaimed property; amending s. 513.13, F.S.;
399 providing a penalty for failure to depart from a park
400 under certain circumstances; barring an operator from
401 certain liability; providing an effective date.