

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

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30 commits a misdemeanor of the second degree; amending
31 s. 513.055, F.S.; conforming permit terminology;
32 amending s. 513.10, F.S.; providing that a person who
33 operates a mobile home, lodging, or recreational
34 vehicle park without a permit commits a misdemeanor of
35 the second degree; repealing s. 513.111, F.S.,
36 relating to the posting and advertising of certain
37 site rates; creating s. 513.1115, F.S.; providing
38 requirements for the establishment of separation and
39 setback distances; amending s. 513.112, F.S.; deleting
40 a provision requiring guest registers to be made
41 available for inspection by the department at any
42 time; amending s. 513.115, F.S.; revising requirements
43 for the handling of unclaimed property; amending s.
44 513.13, F.S.; providing a penalty for failure to
45 depart from a park under certain circumstances;
46 barring an operator from certain liability; providing
47 an effective date.

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

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

56 513.01 Definitions.—As used in this chapter, the term:
57 (3) "Mobile home" means a residential structure that is
58 transportable in one or more sections, which structure is 8 body

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

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

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

78 513.012 Public health laws; enforcement.—It is the intent
79 of the Legislature that mobile home parks, lodging parks,
80 recreational vehicle parks, and recreational camps be regulated
81 under this chapter. As such, the department shall uniformly
82 administer and enforce, with respect to such parks and camps
83 throughout this state, laws and rules provided pursuant ss.
84 513.01-513.1115 which are related, but not limited, ~~relating~~ to
85 sanitation, control of communicable diseases, illnesses and
86 hazards to health among humans and from animals to humans, and
87 the general health of the people of the state. However, nothing

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88 in this chapter qualifies a mobile home park, a lodging park, a
89 recreational vehicle park, or a recreational camp for a liquor
90 license issued under s. 561.20(2)(a)1. Mobile home parks,
91 lodging parks, recreational vehicle parks, and recreational
92 camps regulated under this chapter are exempt from regulation
93 under the provisions of chapter 509.

94 Section 3. Section 513.014, Florida Statutes, is amended to
95 read:

96 513.014 Applicability of recreational vehicle park
97 provisions to mobile home parks.—A mobile home park that has
98 five or more sites set aside for recreational vehicles shall,
99 for those sites set aside for recreational vehicles, comply with
100 the recreational vehicle park requirements included in this
101 chapter. This section does not require a mobile home park with
102 spaces set aside for recreational vehicles to obtain two
103 licenses. ~~However, a mobile home park that rents spaces to~~
104 ~~recreational vehicles on the basis of long-term leases is~~
105 ~~required to comply with the laws and rules relating to mobile~~
106 ~~home parks including but not limited to chapter 723, if~~
107 ~~applicable.~~

108 Section 4. Section 513.02, Florida Statutes, is amended to
109 read:

110 513.02 Permits ~~Permit~~.—

111 (1) A person may not establish or maintain a mobile home
112 park, lodging park, recreational vehicle park, or recreational
113 camp in this state without first obtaining an operating ~~a~~ permit
114 from the department. ~~Such permit is not transferable from one~~
115 ~~place or person to another. Each permit must be renewed~~
116 ~~annually.~~

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117 (2) Prior to commencement of construction of a new park or
118 camp, or any change to an existing park or camp which requires
119 construction of new sanitary facilities or additional permitted
120 sites, a person who operates or maintains such park or camp must
121 contact the department to receive a construction review and
122 approval. The items required to be submitted and the process for
123 issuing a construction review and approval shall be set by
124 department rule.

125 (3) (a) An operating permit is not transferable from one
126 place or person to another. Each permit must be renewed
127 annually.

128 (b) ~~(2)~~ The department may refuse to issue an operating a
129 permit to, or refuse to renew the operating permit of, any park
130 or camp that is not constructed or maintained in accordance with
131 law and with the rules of the department.

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

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

141 (e) ~~(5)~~ When a park or camp regulated under this chapter is
142 sold ~~or its ownership transferred~~, the purchaser transferee must
143 apply for an operating a permit to the department within 30 days
144 after ~~before~~ the date of sale transfer. The applicant must
145 provide the department with a copy of the recorded deed or lease

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146 agreement before the department may issue an operating a permit
147 to the applicant.

148 Section 5. Section 513.03, Florida Statutes, is amended to
149 read:

150 513.03 Application for and issuance of permit.—

151 (1) An application for an operating a permit must be made
152 in writing to the department~~;~~ on a form prescribed by the
153 department. The application must state the location of the
154 existing or proposed park or camp;i~~;~~ the type of park or camp;i~~;~~
155 the number of mobile homes or recreational vehicles to be
156 accommodated;i ~~or~~ the number of recreational campsites,
157 buildings, and sites set aside for group camping, including
158 barracks, cabins, cottages, and tent spaces; the type of water
159 supply;i~~;~~ the method of sewage disposal;i~~;~~ and any other
160 information the department requires.

161 (2) If the department is satisfied, after reviewing the
162 application of the proposed or existing park or camp and causing
163 an inspection to be made, that the park or camp complies with
164 this chapter and is so located, constructed, and equipped as not
165 to be a source of danger to the health of the general public,
166 the department shall issue the necessary construction approval
167 or operating permit, in writing, on a form prescribed by the
168 department.

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

171 513.045 Permit fees.—

172 (1) (a) Each person seeking a permit to establish, operate,
173 or maintain a mobile home park, lodging park, recreational
174 vehicle park, or recreational camp must pay to the department a

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175 fee, the amount of which shall be set by rule of the department.

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

179 1. The fee for an annual operating a permit may not be set
180 at a rate that is more than \$6.50 per space or less than \$3.50
181 per space. ~~Until rules setting these fees are adopted by the~~
182 department, the permit fee per space is \$3.50. The annual
183 operating permit fee for a nonexempt recreational camp shall be
184 based on an equivalency rate for which two camp occupants equal
185 one space. The total fee assessed to an applicant for an annual
186 operating permit may not be more than \$600 or less than \$50,
187 except that a fee may be prorated on a quarterly basis. Failure
188 to pay an annual operating permit fee in a timely manner shall
189 result in the assessment of late fees by the department.

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

194 3. A person constructing a new park or camp or adding
195 spaces or renovating an existing park or camp shall, prior to
196 such construction, renovation, or addition, submit construction
197 plans to the department for department review and approval.

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

201 Section 7. Section 513.05, Florida Statutes, is amended to
202 read:

203 513.05 Rules.—The department may adopt rules pertaining to

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

221 Section 8. Section 513.051, Florida Statutes, is amended to
222 read:

223 513.051 Preemption.—The department is the exclusive
224 regulatory and permitting authority for sanitary and other
225 standards set forth in ss. 513.01-513.1115 for all mobile home
226 parks, lodging parks, recreational vehicle parks, and
227 recreational camps in accordance with the provisions of this
228 chapter. All regulation of mobile home parks, lodging parks,
229 recreational vehicle parks, and recreational camps subject to
230 ss. 513.01-513.1115 is expressly preempted to the state. Every
231 unit of local government is prohibited from taking any action,
232 including the enacting of any rule, regulation, or ordinance,

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233 with respect to the matters and things hereby preempted to the
234 state.

235 Section 9. Section 513.054, Florida Statutes, is amended to
236 read:

237 513.054 Penalties for specified offenses by operator.—

238 (1) Any operator of a mobile home park, lodging park, ~~or~~
239 recreational vehicle park, or a recreational camp who obstructs
240 or hinders any agent of the department in the proper discharge
241 of the agent's duties; who fails, neglects, or refuses to obtain
242 an operating a permit for the park or camp or refuses to pay the
243 operating permit fee required by law; or who fails or refuses to
244 perform any duty imposed upon the operator by law or rule
245 commits is guilty of a misdemeanor of the second degree,
246 punishable as provided in s. 775.082 or s. 775.083.

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

249 Section 10. Section 513.055, Florida Statutes, is amended
250 to read:

251 513.055 Revocation or suspension of operating permit;
252 fines; procedure.—

253 (1) (a) The department may suspend or revoke an operating a
254 permit issued to any person for a mobile home park, lodging
255 park, recreational vehicle park, or recreational camp upon the
256 failure of that person to comply with this chapter or the rules
257 adopted under this chapter.

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

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262 permit is revoked may not apply for another operating permit for
263 that location prior to the date on which the revoked operating
264 permit would otherwise have expired.

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

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

276 1. The gravity of the violation and the extent to which the
277 provisions of the applicable statutes or rules have been
278 violated.

279 2. Any action taken by the operator to correct the
280 violation.

281 3. Any previous violation.

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

284 513.10 Operating without permit; enforcement of chapter;
285 penalties.—

286 (1) Any person who maintains or operates a mobile home
287 park, lodging park, recreational vehicle park, or recreational
288 camp without first obtaining an operating a permit as required
289 by s. 513.02, or who maintains or operates such a park or camp
290 after revocation of the operating permit, commits ~~is guilty of~~ a

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291 misdemeanor of the second degree, punishable as provided in s.
292 775.082 or s. 775.083.

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

294 Section 13. Section 513.1115, Florida Statutes, is created
295 to read:

296 513.1115 Placement of recreational vehicles on lots in
297 permitted parks.-

298 (1) Separation distances between recreational vehicles
299 shall be the distances established at the time of initial
300 approval of the recreational vehicle park by the department or
301 as historically applied by the local government. This subsection
302 does not limit the regulation of the uniform firesafety
303 standards established under s. 633.022.

304 (2) Setback distances from the exterior property boundary
305 of the recreational vehicle park shall be in accordance with the
306 setback distances applicable at the time of the approval by the
307 department for construction of the recreational vehicle park.

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

310 513.112 Maintenance of guest register and copy of laws.-

311 (1) It is the duty of each operator of a recreational
312 vehicle park that rents to transient guests to maintain at all
313 times a register, signed by or for guests who occupy rental
314 sites within the park. The register must show the dates upon
315 which the rental sites were occupied by such guests and the
316 rates charged for the guests' occupancy. This register shall be
317 maintained in chronological order ~~and shall be available for~~
318 ~~inspection by the department at any time.~~ An operator is not
319 required to retain a register that is more than 2 years old.

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320 Section 15. Section 513.115, Florida Statutes, is amended
321 to read:

322 513.115 Unclaimed property.—Any property having an
323 identifiable owner which is left in a recreational vehicle park
324 by a guest, including, but not limited to, ~~other than~~ property
325 belonging to a guest who has vacated the premises without notice
326 to the operator and with an outstanding account, which property
327 remains unclaimed after having been held by the park for 90 days
328 ~~after written notice was provided to the guest or the owner of~~
329 ~~the property,~~ may be disposed of by becomes the property of the
330 park.

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

333 513.13 Recreational vehicle parks; eviction; grounds;
334 proceedings.—

335 (2) The operator of any recreational vehicle park shall
336 notify such guest that the park no longer desires to entertain
337 the guest and shall request that such guest immediately depart
338 from the park. Such notice shall be given in writing. If such
339 guest has paid in advance, the park shall, at the time such
340 notice is given, tender to the guest the unused portion of the
341 advance payment. Any guest who remains or attempts to remain in
342 such park after being requested to leave commits ~~is guilty of~~ a
343 misdemeanor of the second degree, punishable as provided in s.
344 775.082 or s. 775.083. If the notice is given in the presence of
345 a law enforcement officer by posting or personal delivery and
346 the person fails to depart from the park immediately, the person
347 commits a misdemeanor of the second degree, punishable as
348 provided in s. 775.082 or s. 775.083.

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349 (4) If any person is illegally on the premises of any
350 recreational vehicle park, the operator of such park may call
351 upon any law enforcement officer of this state for assistance.
352 It is the duty of such law enforcement officer, upon the request
353 of such operator, to place under arrest and take into custody
354 for violation of this section any guest who violates subsection
355 (1) or subsection (2) in the presence of the officer. If a
356 warrant has been issued by the proper judicial officer for the
357 arrest of any violator of subsection (1) or subsection (2), the
358 officer shall serve the warrant, arrest the person, and take the
359 person into custody. Upon arrest, with or without warrant, the
360 guest is deemed to have given up any right to occupancy or to
361 have abandoned the guest's right to occupancy of the premises of
362 the recreational vehicle park; and the operator of the park
363 shall employ all reasonable and proper means to care for any
364 personal property left on the premises by such guest and shall
365 refund any unused portion of moneys paid by such guest for the
366 occupancy of such premises. The operator is not liable for
367 damages to personal property left on the premises by a guest who
368 violates subsection (1) or subsection (2) and is arrested by a
369 law enforcement officer.

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