

By the Committees on Community Affairs; and Health Regulation;
and Senator Dean

578-02161-10

2010354c2

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; providing for the adoption of
7 rules; amending s. 513.014, F.S.; revising
8 applicability of recreational vehicle park
9 requirements to mobile home parks; amending s. 513.02,
10 F.S.; revising permit requirements; providing
11 requirements for construction review and approval for
12 private parks and camps; requiring the department to
13 adopt rules; amending s. 513.03, F.S.; revising
14 requirements for permit applications; amending s.
15 513.045, F.S.; revising fees charged to operators of
16 certain parks or camps; providing for the assessment
17 of late fees; authorizing persons to request from the
18 department a review of plans for a proposed park or
19 camp; requiring certain construction and renovation
20 plans to be submitted to the department for review and
21 approval; amending s. 513.05, F.S.; providing the
22 department with additional rulemaking authority;
23 amending s. 513.054, F.S.; providing that an operator
24 of a mobile home or recreational vehicle park or camp
25 who refuses to pay the operating permit fee required
26 by law or who fails, neglects, or refuses to obtain an
27 operating permit for the park commits a misdemeanor of
28 the second degree; amending s. 513.055, F.S.;
29 conforming permit terminology; amending s. 513.10,

578-02161-10

2010354c2

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

45
46 Be It Enacted by the Legislature of the State of Florida:

47
48 Section 1. Subsection (3) of section 513.01, Florida
49 Statutes, is amended, present subsections (5) through (11) of
50 that section are renumbered as subsections (6) through (12),
51 respectively, and a new subsection (5) is added to that section,
52 to read:

53 513.01 Definitions.—As used in this chapter, the term:

54 (3) "Mobile home" means a residential structure that is
55 transportable in one or more sections, which structure is 8 body
56 feet (2.4 meters) or more in width, over 35 feet in length with
57 the hitch, built on an integral chassis, ~~and~~ designed to be used
58 as a dwelling when connected to the required utilities, and not

578-02161-10

2010354c2

59 originally sold as a recreational vehicle, and includes the
60 plumbing, heating, air-conditioning, and electrical systems
61 contained in the structure.

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

73 Section 2. Section 513.012, Florida Statutes, is amended to
74 read:

75 513.012 Public health laws; enforcement.—

76 (1) It is the intent of the Legislature that mobile home
77 parks, lodging parks, recreational vehicle parks, and
78 recreational camps be regulated under this chapter. As such, the
79 department shall administer and enforce, with respect to such
80 parks and camps, uniform laws and rules relating to sanitation,
81 control of communicable diseases, illnesses and hazards to
82 health among humans and from animals to humans, and the general
83 health of the people of the state.

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

87 (a) The design, location, and site sizes for sites in parks

578-02161-10

2010354c2

88 and camps;

89 (b) Sanitary standards for permitting and the operation of
90 parks and camps;

91 (c) Occupancy standards for transient rentals in
92 recreational vehicle parks and camps;

93 (d) Permitting of parks and camps as required by this
94 chapter, including temporary events at unlicensed locations;

95 (e) Inspection of parks and camps to enforce compliance
96 with this chapter;

97 (f) Permit requirements, including late fees and penalties
98 for operating without a permit; and

99 (g) The maintenance of guest registers.

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

102 (a) The liability for property of guests left on sites;

103 (b) Separation and setback distances established at the
104 time of initial approval;

105 (c) Unclaimed property;

106 (d) Conduct of transient guests;

107 (e) Theft of personal property;

108 (f) Evictions of transient guests; and

109 (g) Writs of distress.

110 (4) Local governmental actions, ordinances, and resolutions
111 must be consistent with the uniform standards established
112 pursuant to this chapter and as implemented by rules of the
113 department. This chapter does not limit the authority of a local
114 government to adopt and enforce land use, building, firesafety,
115 and other regulations.

116 (5) However, nothing in this chapter qualifies a mobile

578-02161-10

2010354c2

117 home park, a lodging park, a recreational vehicle park, or a
118 recreational camp for a liquor license issued under s.
119 561.20(2)(a)1. Mobile home parks, lodging parks, recreational
120 vehicle parks, and recreational camps regulated under this
121 chapter are exempt from regulation under the provisions of
122 chapter 509.

123 Section 3. Section 513.014, Florida Statutes, is amended to
124 read:

125 513.014 Applicability of recreational vehicle park
126 provisions to mobile home parks.—A mobile home park that has
127 five or more sites set aside for recreational vehicles shall,
128 for those sites set aside for recreational vehicles, comply with
129 the recreational vehicle park requirements included in this
130 chapter. This section does not require a mobile home park with
131 spaces set aside for recreational vehicles to obtain two
132 licenses. ~~However, a mobile home park that rents spaces to~~
133 ~~recreational vehicles on the basis of long-term leases is~~
134 ~~required to comply with the laws and rules relating to mobile~~
135 ~~home parks including but not limited to chapter 723, if~~
136 ~~applicable.~~

137 Section 4. Section 513.02, Florida Statutes, is amended to
138 read:

139 513.02 Permits ~~Permit~~.—

140 (1) A person may not establish or maintain a mobile home
141 park, lodging park, recreational vehicle park, or recreational
142 camp in this state without first obtaining an operating ~~a~~ permit
143 from the department. ~~Such permit is not transferable from one~~
144 ~~place or person to another. Each permit must be renewed~~
145 ~~annually.~~

578-02161-10

2010354c2

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

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

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

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

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

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

578-02161-10

2010354c2

175 an operating a permit to the applicant.

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

178 513.03 Application for and issuance of permit.—

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

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

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

198 513.045 Permit fees.—

199 (1) (a) Each person seeking a permit to establish, operate,
200 or maintain a mobile home park, lodging park, recreational
201 vehicle park, or recreational camp must pay to the department a
202 fee, the amount of which shall be set by rule of the department.

203 (b) Fees established pursuant to this subsection must be

578-02161-10

2010354c2

204 based on the actual costs incurred by the department in carrying
205 out its responsibilities under this chapter.

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

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

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

225 4. The department shall, by rule, establish a fee, not to
226 exceed \$1,000, for a temporary operating permit for temporary
227 events falling within this section. The amount of fee shall be
228 based upon the size, duration, and location of the event and the
229 sanitary facilities and services available or to be provided at
230 that location. The fee shall be based solely upon the projected
231 costs of review of the permit application and inspections by the
232 department to achieve compliance with the requirements of the

578-02161-10

2010354c2

233 department. Licensed parks and camps are exempt from this fee
234 and the temporary event permit requirement.

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

238 Section 7. Section 513.05, Florida Statutes, is amended to
239 read:

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

258 Section 8. Section 513.054, Florida Statutes, is amended to
259 read:

260 513.054 Penalties for specified offenses by operator.—

261 (1) Any operator of a mobile home park, lodging park, ~~or~~

578-02161-10

2010354c2

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

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

272 Section 9. Section 513.055, Florida Statutes, is amended to
273 read:

274 513.055 Revocation or suspension of operating permit;
275 fines; procedure.—

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

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

288 (2) (a) In lieu of such suspension or revocation of an
289 operating ~~a~~ permit, the department may impose a fine against a
290 permittee for the permittee's failure to comply with the

578-02161-10

2010354c2

291 provisions described in paragraph (1)(a) or may place such
292 licensee on probation. No fine so imposed shall exceed \$500 for
293 each offense, and all amounts collected in fines shall be
294 deposited with the Chief Financial Officer to the credit of the
295 County Health Department Trust Fund.

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

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

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

304 3. Any previous violation.

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

307 513.10 Operating without permit; enforcement of chapter;
308 penalties.—

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

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

317 Section 12. Section 513.1115, Florida Statutes, is created
318 to read:

319 513.1115 Placement of recreational vehicles on lots in

578-02161-10

2010354c2

320 permitted parks.—

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

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

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

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

333 513.112 Maintenance of guest register and copy of laws.—

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

343 Section 14. Section 513.115, Florida Statutes, is amended
344 to read:

345 513.115 Unclaimed property.—Any property having an
346 identifiable owner which is left in a recreational vehicle park
347 by a guest, including, but not limited to, ~~other than~~ property
348 belonging to a guest who has vacated the premises without notice

578-02161-10

2010354c2

349 to the operator and with an outstanding account, which property
350 remains unclaimed after having been held by the park for 90 days
351 ~~after written notice was provided to the guest or the owner of~~
352 ~~the property, may be disposed of by becomes the property of the~~
353 park. Any titled property, including a boat, recreational
354 vehicle, or other vehicle, shall be disposed of in accordance
355 with the requirements of chapter 715.

356 Section 15. 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
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

578-02161-10

2010354c2

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

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