

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

603-04868-10

2010354c3

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; authorizing persons to request
17 from the department a review of plans for a proposed
18 park or camp; requiring certain construction and
19 renovation plans to be submitted to the department for
20 review and approval; amending s. 513.05, F.S.;
21 providing the department with additional rulemaking
22 authority; amending s. 513.054, F.S.; providing that
23 an operator of a mobile home or recreational vehicle
24 park or camp who refuses to pay the operating permit
25 fee required by law or who fails, neglects, or refuses
26 to obtain an operating permit for the park commits a
27 misdemeanor of the second degree; amending s. 513.055,
28 F.S.; conforming permit terminology; amending s.
29 513.10, F.S.; providing that a person who operates a

603-04868-10

2010354c3

30 mobile home, lodging, or recreational vehicle park
31 without a permit commits a misdemeanor of the second
32 degree; repealing s. 513.111, F.S., relating to the
33 posting and advertising of certain site rates;
34 creating s. 513.1115, F.S.; providing requirements for
35 the establishment of separation and setback distances;
36 amending s. 513.112, F.S.; deleting a provision
37 requiring guest registers to be made available for
38 inspection by the department at any time; amending s.
39 513.115, F.S.; revising requirements for the handling
40 of unclaimed property; amending s. 513.13, F.S.;

41 providing a penalty for failure to depart from a park
42 under certain circumstances; barring an operator from
43 certain liability; providing an effective date.

44
45 Be It Enacted by the Legislature of the State of Florida:

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

52 513.01 Definitions.—As used in this chapter, the term:

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

603-04868-10

2010354c3

59 plumbing, heating, air-conditioning, and electrical systems
60 contained in the structure.

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

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

74 513.012 Public health laws; enforcement.—

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

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

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

603-04868-10

2010354c3

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

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

92 (d) Permitting of parks and camps as required by this chapter;

93 (e) Inspection of parks and camps to enforce compliance
94 with this chapter;

95 (f) Permit requirements; and

96 (g) The maintenance of guest registers.

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

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

100 (b) Separation and setback distances established at the
101 time of initial approval;

102 (c) Unclaimed property;

103 (d) Conduct of transient guests;

104 (e) Theft of personal property;

105 (f) Evictions of transient guests; and

106 (g) Writs of distress.

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

113 (5) However, nothing in this chapter qualifies a mobile
114 home park, a lodging park, a recreational vehicle park, or a
115 recreational camp for a liquor license issued under s.
116 561.20(2)(a)1. Mobile home parks, lodging parks, recreational

603-04868-10

2010354c3

117 vehicle parks, and recreational camps regulated under this
118 chapter are exempt from regulation under the provisions of
119 chapter 509.

120 Section 3. Section 513.014, Florida Statutes, is amended to
121 read:

122 513.014 Applicability of recreational vehicle park
123 provisions to mobile home parks.—A mobile home park that has
124 five or more sites set aside for recreational vehicles shall,
125 for those sites set aside for recreational vehicles, comply with
126 the recreational vehicle park requirements included in this
127 chapter. This section does not require a mobile home park with
128 spaces set aside for recreational vehicles to obtain two
129 licenses. ~~However, a mobile home park that rents spaces to~~
130 ~~recreational vehicles on the basis of long-term leases is~~
131 ~~required to comply with the laws and rules relating to mobile~~
132 ~~home parks including but not limited to chapter 723, if~~
133 ~~applicable.~~

134 Section 4. Section 513.02, Florida Statutes, is amended to
135 read:

136 513.02 Permits ~~Permit~~.—

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

143 (2) Prior to commencement of construction of a new park or
144 camp, or any change to an existing park or camp which requires
145 construction of new sanitary facilities or additional permitted

603-04868-10

2010354c3

146 sites, a person who operates or maintains such park or camp must
147 contact the department to receive a review and approval. The
148 items required to be submitted and the process for issuing a
149 review and approval shall be set by department rule.

150 (3) (a) An operating permit is not transferable from one
151 place or person to another. Each permit must be renewed
152 annually.

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

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

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

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

173 Section 5. Section 513.03, Florida Statutes, is amended to
174 read:

603-04868-10

2010354c3

175 513.03 Application for and issuance of permit.—

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

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

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

195 513.045 Permit fees.—

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

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

203 1. The fee for an annual operating a permit may not be set

603-04868-10

2010354c3

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

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

216 3. A person constructing a new park or camp or adding
217 spaces or renovating an existing park or camp shall, prior to
218 such construction, renovation, or addition, submit plans to the
219 department for department review and approval.

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

223 Section 7. Section 513.05, Florida Statutes, is amended to
224 read:

225 513.05 Rules.—The department may adopt rules pertaining to
226 the location, construction, modification, equipment, and
227 operation of mobile home parks, lodging parks, recreational
228 vehicle parks, and recreational camps, except as provided in s.
229 633.022, as necessary to administer this chapter. Such rules may
230 include definitions of terms; requirements for plan reviews of
231 proposed and existing parks and camps; plan reviews of parks
232 that consolidate or expand space or capacity or change space

603-04868-10

2010354c3

233 size; water supply; sewage collection and disposal; plumbing and
234 backflow prevention; garbage and refuse storage, collection, and
235 disposal; insect and rodent control; space requirements; heating
236 facilities; food service; lighting; sanitary facilities;
237 bedding; an occupancy equivalency to spaces for permits for
238 recreational camps; sanitary facilities in recreational vehicle
239 parks; and the owners' responsibilities at recreational vehicle
240 parks and recreational camps.

241 Section 8. Section 513.054, Florida Statutes, is amended to
242 read:

243 513.054 Penalties for specified offenses by operator.—

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

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

255 Section 9. Section 513.055, Florida Statutes, is amended to
256 read:

257 513.055 Revocation or suspension of operating permit;
258 fines; procedure.—

259 (1) (a) The department may suspend or revoke an operating ~~a~~
260 permit issued to any person for a mobile home park, lodging
261 park, recreational vehicle park, or recreational camp upon the

603-04868-10

2010354c3

262 failure of that person to comply with this chapter or the rules
263 adopted under this chapter.

264 (b) An operating A permit may not be suspended under this
265 section for a period of more than 12 months. At the end of the
266 period of suspension, the permittee may apply for reinstatement
267 or renewal of the operating permit. A person whose operating
268 permit is revoked may not apply for another operating permit for
269 that location prior to the date on which the revoked operating
270 permit would otherwise have expired.

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

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

282 1. The gravity of the violation and the extent to which the
283 provisions of the applicable statutes or rules have been
284 violated.

285 2. Any action taken by the operator to correct the
286 violation.

287 3. Any previous violation.

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

290 513.10 Operating without permit; enforcement of chapter;

603-04868-10

2010354c3

291 penalties.—

292 (1) Any person who maintains or operates a mobile home
293 park, lodging park, recreational vehicle park, or recreational
294 camp without first obtaining an operating ~~a~~ permit as required
295 by s. 513.02, or who maintains or operates such a park or camp
296 after revocation of the operating permit, commits ~~is guilty of~~ a
297 misdemeanor of the second degree, punishable as provided in s.
298 775.082 or s. 775.083.

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

300 Section 12. Section 513.1115, Florida Statutes, is created
301 to read:

302 513.1115 Placement of recreational vehicles on lots in
303 permitted parks.—

304 (1) Separation distances between recreational vehicles
305 shall be the distances established at the time of initial
306 approval of the recreational vehicle park by the department and
307 the local government.

308 (2) Setback distances from the exterior property boundary
309 of the recreational vehicle park shall be the setback distances
310 established at the time of the initial approval by the
311 department and the local government.

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

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

316 513.112 Maintenance of guest register and copy of laws.—

317 (1) It is the duty of each operator of a recreational
318 vehicle park that rents to transient guests to maintain at all
319 times a register, signed by or for guests who occupy rental

603-04868-10

2010354c3

320 sites within the park. The register must show the dates upon
321 which the rental sites were occupied by such guests and the
322 rates charged for the guests' occupancy. This register shall be
323 maintained in chronological order ~~and shall be available for~~
324 ~~inspection by the department at any time.~~ An operator is not
325 required to retain a register that is more than 2 years old.

326 Section 14. Section 513.115, Florida Statutes, is amended
327 to read:

328 513.115 Unclaimed property.—Any property having an
329 identifiable owner which is left in a recreational vehicle park
330 by a guest, including, but not limited to, ~~other than~~ property
331 belonging to a guest who has vacated the premises without notice
332 to the operator and with an outstanding account, which property
333 remains unclaimed after having been held by the park for 90 days
334 ~~after written notice was provided to the guest or the owner of~~
335 ~~the property,~~ may be disposed of by becomes the property of the
336 park. Any titled property, including a boat, recreational
337 vehicle, or other vehicle, shall be disposed of in accordance
338 with the requirements of chapter 715.

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

341 513.13 Recreational vehicle parks; eviction; grounds;
342 proceedings.—

343 (2) The operator of any recreational vehicle park shall
344 notify such guest that the park no longer desires to entertain
345 the guest and shall request that such guest immediately depart
346 from the park. Such notice shall be given in writing. If such
347 guest has paid in advance, the park shall, at the time such
348 notice is given, tender to the guest the unused portion of the

603-04868-10

2010354c3

349 advance payment. Any guest who remains or attempts to remain in
350 such park after being requested to leave commits ~~is guilty of~~ a
351 misdemeanor of the second degree, punishable as provided in s.
352 775.082 or s. 775.083. If the notice is given in the presence of
353 a law enforcement officer by posting or personal delivery and
354 the person fails to depart from the park immediately, the person
355 commits a misdemeanor of the second degree, punishable as
356 provided in s. 775.082 or s. 775.083.

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

603-04868-10

2010354c3

378

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