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

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

42

43 Be It Enacted by the Legislature of the State of Florida:

44

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

50 513.01 Definitions.—As used in this chapter, the term:

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

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57 plumbing, heating, air-conditioning, and electrical systems
58 contained in the structure.

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

70 Section 2. Section 513.012, Florida Statutes, is amended
71 to read:

72 513.012 Public health laws; enforcement.—

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

81 (2) The department shall establish uniform standards for
82 the issuing of permits for, and the operation of, mobile home
83 parks, lodging parks, recreational vehicle parks, and
84 recreational camps, which include:

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

87 (b) Sanitary standards for the issuing of permits for, and
 88 the operation of, parks and camps;

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

91 (d) The issuing of permits for parks and camps as required
 92 by this chapter;

93 (e) The inspection of parks and camps to enforce
 94 compliance 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
 108 resolutions must be consistent with the uniform standards
 109 established pursuant to this chapter and as implemented by rules
 110 of the department. This chapter does not limit the authority of
 111 a local government to adopt and enforce land use, building,
 112 firesafety, and other regulations.

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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
 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
 121 to 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~~

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141 ~~place or person to another. Each permit must be renewed~~
142 ~~annually.~~

143 (2) Before the commencement of construction of a new park
144 or camp or before any change to an existing park or camp which
145 requires construction of new sanitary facilities or additional
146 permitted sites, a person who operates or maintains such park or
147 camp must contact the department to receive a review and
148 approval. The items required to be submitted and the process for
149 issuing a 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
162 or camp may not be renewed or transferred if the permittee has
163 an outstanding fine assessed pursuant to this chapter which is
164 in 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

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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:

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, on a form prescribed by the
 178 department. The application must state the location of the
 179 existing or proposed park or camp; the type of park or camp;
 180 the number of mobile homes or recreational vehicles to be
 181 accommodated; ~~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; the method of sewage disposal; 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
 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. Each person seeking 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. Each person constructing a new park or camp or
 217 renovating or adding spaces to an existing park or camp must,
 218 before the construction, renovation, or addition, submit plans
 219 to the 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:

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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
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
242 to 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
 256 to 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
 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 before ~~prior to~~ the date on which the revoked
 270 operating 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

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281 following factors:

282 1. The gravity of the violation and the extent to which
 283 the 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;
 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
 300 repealed.

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

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

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

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

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

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

317 513.112 Maintenance of guest register and copy of laws.—

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

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

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

337 | park. Any titled property, including a boat, a recreational
 338 | vehicle, or other vehicle, shall be disposed of in accordance
 339 | with the requirements of chapter 715.

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

342 | 513.13 Recreational vehicle parks; eviction; grounds;
 343 | proceedings.—

344 | (2) The operator of any recreational vehicle park shall
 345 | notify such guest that the park no longer desires to entertain
 346 | the guest and shall request that such guest immediately depart
 347 | from the park. Such notice shall be given in writing. If such
 348 | guest has paid in advance, the park shall, at the time such
 349 | notice is given, tender to the guest the unused portion of the
 350 | advance payment. Any guest who remains or attempts to remain in
 351 | such park after being requested to leave commits ~~is guilty of~~ a
 352 | misdemeanor of the second degree, punishable as provided in s.
 353 | 775.082 or s. 775.083. If the notice is given in the presence of
 354 | a law enforcement officer by posting or personal delivery and
 355 | the person fails to depart from the park immediately, the person
 356 | commits a misdemeanor of the second degree, punishable as
 357 | provided in s. 775.082 or s. 775.083.

358 | (4) If any person is illegally on the premises of any
 359 | recreational vehicle park, the operator of such park may call
 360 | upon any law enforcement officer of this state for assistance.
 361 | It is the duty of such law enforcement officer, upon the request
 362 | of such operator, to place under arrest and take into custody
 363 | for violation of this section any guest who violates subsection
 364 | (1) or subsection (2) in the presence of the officer. If a

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365 | warrant has been issued by the proper judicial officer for the
366 | arrest of any violator of subsection (1) or subsection (2), the
367 | officer shall serve the warrant, arrest the person, and take the
368 | person into custody. Upon arrest, with or without warrant, the
369 | guest is deemed to have given up any right to occupancy or to
370 | have abandoned the guest's right to occupancy of the premises of
371 | the recreational vehicle park; and the operator of the park
372 | shall employ all reasonable and proper means to care for any
373 | personal property left on the premises by such guest and shall
374 | refund any unused portion of moneys paid by such guest for the
375 | occupancy of such premises. The operator is not liable for
376 | damages to personal property left on the premises by a guest who
377 | violates subsection (1) or subsection (2) and is arrested by a
378 | law enforcement officer.

379 | Section 16. This act shall take effect July 1, 2011.