

By the Committee on Community Affairs; and Senator Dean

578-02584-12

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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; 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.; providing for an annual operating  
16          permit fee to be charged to operators of certain parks  
17          or camps; amending s. 513.05, F.S.; providing the  
18          department with additional rulemaking authority;  
19          amending s. 513.054, F.S.; providing that an operator  
20          of a mobile home park, lodging park, recreational  
21          vehicle park, or recreational camp who refuses to pay  
22          the operating permit fee required by law or who fails,  
23          neglects, or refuses to obtain an operating permit for  
24          the park commits a misdemeanor of the second degree;  
25          amending s. 513.055, F.S.; conforming terminology;  
26          amending s. 513.10, F.S.; providing that a person who  
27          operates a mobile home park, lodging park,  
28          recreational vehicle park, or recreational camp  
29          without an operating permit commits a misdemeanor of

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30 the second degree; repealing s. 513.111, F.S.,  
31 relating to the posting and advertising of certain  
32 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  
35 a provision requiring guest registers to be made  
36 available for inspection by the department at any  
37 time; amending s. 513.115, F.S.; revising requirements  
38 for the handling of unclaimed property; amending s.  
39 513.13, F.S.; providing a penalty for failure to  
40 depart from a park under certain circumstances;  
41 barring an operator from certain liability; providing  
42 an effective date.

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

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

51 513.01 Definitions.—As used in this chapter, the term:

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

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59 contained in the structure.

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

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

73 513.012 Public health laws; enforcement.—

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

82 (2) This chapter establishes uniform standards to be  
83 administered and enforced by the department for the issuing of  
84 permits for, and the operation of, mobile home parks, lodging  
85 parks, recreational vehicle parks, and recreational camps, which  
86 include:

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

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88 and camps;

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

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

93 (d) The inspection of parks and camps to enforce compliance  
94 with this chapter; and

95 (e) Permit requirements.

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

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

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

101 (c) Unclaimed property;

102 (d) Conduct of transient guests;

103 (e) Theft of personal property;

104 (f) Evictions of transient guests;

105 (g) Writs of distress;

106 (h) The maintenance of guest registers;

107 (i) Occupancy standards for transient rentals; and

108 (j) Placement of recreational vehicles by size and type.

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

115 (5) However, nothing in this chapter qualifies a mobile  
116 home park, a lodging park, a recreational vehicle park, or a

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

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

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

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

138 513.02 Permits ~~Permit~~.—

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

145 (2) Before the commencement of construction of a new park

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

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

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

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

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

168 (e) ~~(5)~~ When a park or camp regulated under this chapter is  
169 sold or leased or its ownership is transferred by operation of  
170 law upon inheritance, devise, or bequest, the purchaser, lessee,  
171 or transferee who continues operation of the park or camp must  
172 apply to the department for an operating a permit within 30 days  
173 after ~~to the department before~~ the date of sale, lease, or  
174 transfer. The provisions of s. 513.10(1) are not applicable

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175 during the 30-day period. The applicant must provide the  
176 department with a copy of the recorded deed or lease agreement  
177 before the department may issue an operating a permit to the  
178 applicant.

179 (4) Each person seeking department review of plans for a  
180 proposed park or camp may submit the plans to the department for  
181 an assessment of whether the plans meet the requirements of this  
182 chapter and the rules.

183 (5) Each person constructing a new park or camp or adding  
184 spaces to an existing park or camp must, before the  
185 construction, renovation, or addition, submit plans to the  
186 department for department review and approval.

187 Section 5. Section 513.03, Florida Statutes, is amended to  
188 read:

189 513.03 Application for and issuance of permit.—

190 (1) An application for an operating a permit must be made  
191 in writing to the department, ~~7~~ on a form prescribed by the  
192 department. The application must state the location of the  
193 existing or proposed park or camp; ~~7~~ the type of park or camp; ~~7~~  
194 the number of mobile homes or recreational vehicles to be  
195 accommodated; ~~or~~ the number of recreational campsites,  
196 buildings, and sites set aside for group camping, including  
197 barracks, cabins, cottages, and tent spaces; the type of water  
198 supply; ~~7~~ the method of sewage disposal; ~~7~~ and any other  
199 information the department requires.

200 (2) If the department is satisfied, after reviewing the  
201 application of the proposed or existing park or camp and causing  
202 an inspection to be made, that the park or camp complies with  
203 this chapter and is so located, constructed, and equipped as not

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204 to be a source of danger to the health of the general public,  
205 the department shall issue the necessary approval or operating  
206 permit, in writing, on a form prescribed by the department.

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

209 513.045 Permit fees.—

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

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

217 (c) The fee for an annual operating a permit may not be set  
218 at a rate that is more than \$6.50 per space or less than \$3.50  
219 per space. ~~Until rules setting these fees are adopted by the~~  
220 ~~department, the permit fee per space is \$3.50.~~ The annual  
221 operating permit fee for a nonexempt recreational camp shall be  
222 based on an equivalency rate for which two camp occupants equal  
223 one space. The total fee assessed to an applicant for an annual  
224 operating permit may not be more than \$600 or less than \$50,  
225 except that a fee may be prorated on a quarterly basis.

226 (d) ~~(e)~~ A recreational camp operated by a civic, fraternal,  
227 educational, or religious organization that does not rent to the  
228 public is exempt from the fee requirements of this subsection.

229 Section 7. Section 513.05, Florida Statutes, is amended to  
230 read:

231 513.05 Rules.—The department may adopt rules pertaining to  
232 the location, construction, modification, equipment, and



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233 operation of mobile home parks, lodging parks, recreational  
234 vehicle parks, and recreational camps, except as provided in s.  
235 633.022, as necessary to administer this chapter, pursuant to  
236 the provisions of this chapter and s. 381.006. Such rules may  
237 include definitions of terms; requirements for plan reviews of  
238 proposed and existing parks and camps; plan reviews of parks  
239 that consolidate or expand space or capacity or change space  
240 size; water supply; sewage collection and disposal; plumbing and  
241 backflow prevention; garbage and refuse storage, collection, and  
242 disposal; insect and rodent control; space requirements; heating  
243 facilities; food service; lighting; sanitary facilities;  
244 bedding; an occupancy equivalency to spaces for permits for  
245 recreational camps; sanitary facilities in recreational vehicle  
246 parks; and the owners' responsibilities at recreational vehicle  
247 parks and recreational camps.

248 Section 8. Section 513.054, Florida Statutes, is amended to  
249 read:

250 513.054 Penalties for specified offenses by operator.—

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

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

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262 Section 9. Section 513.055, Florida Statutes, is amended to  
263 read:

264 513.055 Revocation or suspension of operating permit;  
265 fines; procedure.—

266 (1) (a) The department may suspend or revoke an operating a  
267 permit issued to any person for a mobile home park, lodging  
268 park, recreational vehicle park, or recreational camp upon the  
269 failure of that person to comply with this chapter or the rules  
270 adopted under this chapter.

271 (b) An operating A permit may not be suspended under this  
272 section for a period of more than 12 months. At the end of the  
273 period of suspension, the permittee may apply for reinstatement  
274 or renewal of the operating permit. A person whose operating  
275 permit is revoked may not apply for another operating permit for  
276 that location before ~~prior to~~ the date on which the revoked  
277 operating permit would otherwise have expired.

278 (2) (a) In lieu of such suspension or revocation of an  
279 operating a permit, the department may impose a fine against a  
280 permittee for the permittee's failure to comply with the  
281 provisions described in paragraph (1) (a) or may place such  
282 licensee on probation. The ~~No~~ fine ~~so~~ imposed may not ~~shall~~  
283 exceed \$500 for each offense, and all amounts collected in fines  
284 shall be deposited with the Chief Financial Officer to the  
285 credit of the County Health Department Trust Fund.

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

289 1. The gravity of the violation and the extent to which the  
290 provisions of the applicable statutes or rules have been

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291 violated.

292 2. Any action taken by the operator to correct the  
293 violation.

294 3. Any previous violation.

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

297 513.10 Operating without permit; enforcement of chapter;  
298 penalties.—

299 (1) Any person who maintains or operates a mobile home  
300 park, lodging park, recreational vehicle park, or recreational  
301 camp without first obtaining an operating ~~a~~ permit as required  
302 by s. 513.02, or who maintains or operates such a park or camp  
303 after revocation of the operating permit, commits ~~is guilty of~~ a  
304 misdemeanor of the second degree, punishable as provided in s.  
305 775.082 or s. 775.083.

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

307 Section 12. Section 513.1115, Florida Statutes, is created  
308 to read:

309 513.1115 Placement of recreational vehicles on lots in  
310 permitted parks.—

311 (1) Separation distances between recreational vehicles  
312 shall be the distances established at the time of the initial  
313 approval of the recreational vehicle park by the department and  
314 the local government.

315 (2) Setback distances from the exterior property boundary  
316 of the recreational vehicle park shall be the setback distances  
317 established at the time of the initial approval by the  
318 department and the local government.

319 (3) This section does not limit the regulation of the

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320 uniform firesafety standards established under s. 633.022.

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

323 513.112 Maintenance of guest register and copy of laws.—

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

333 Section 14. Section 513.115, Florida Statutes, is amended  
334 to read:

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

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

348 513.13 Recreational vehicle parks; eviction; grounds;

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349 proceedings.-

350 (2) The operator of any recreational vehicle park shall  
351 notify such guest that the park no longer desires to entertain  
352 the guest and shall request that such guest immediately depart  
353 from the park. Such notice shall be given in writing. If such  
354 guest has paid in advance, the park shall, at the time such  
355 notice is given, tender to the guest the unused portion of the  
356 advance payment. Any guest who remains or attempts to remain in  
357 such park after being requested to leave commits ~~is guilty of~~ a  
358 misdemeanor of the second degree, punishable as provided in s.  
359 775.082 or s. 775.083. If the notice is given in the presence of  
360 a law enforcement officer by posting or personal delivery and  
361 the person fails to depart from the park immediately, the person  
362 commits a misdemeanor of the second degree, punishable as  
363 provided in s. 775.082 or s. 775.083.

364 (4) If any person is illegally on the premises of any  
365 recreational vehicle park, the operator of such park may call  
366 upon any law enforcement officer of this state for assistance.  
367 It is the duty of such law enforcement officer, upon the request  
368 of such operator, to place under arrest and take into custody  
369 for violation of this section any guest who violates subsection  
370 (1) or subsection (2) in the presence of the officer. If a  
371 warrant has been issued by the proper judicial officer for the  
372 arrest of any violator of subsection (1) or subsection (2), the  
373 officer shall serve the warrant, arrest the person, and take the  
374 person into custody. Upon arrest, with or without warrant, the  
375 guest is deemed to have given up any right to occupancy or to  
376 have abandoned the guest's right to occupancy of the premises of  
377 the recreational vehicle park; and the operator of the park

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378 shall employ all reasonable and proper means to care for any  
379 personal property left on the premises by such guest and shall  
380 refund any unused portion of moneys paid by such guest for the  
381 occupancy of such premises. The operator is not liable for  
382 damages to personal property left on the premises by a guest who  
383 violates subsection (1) or subsection (2) and is arrested by a  
384 law enforcement officer.

385 Section 16. This act shall take effect July 1, 2012.