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

29 | 513.10, F.S.; providing that a person who operates a
 30 | mobile home park, lodging park, recreational vehicle
 31 | park, or recreational camp without an operating permit
 32 | commits a misdemeanor of the second degree; providing
 33 | penalties; repealing s. 513.111, F.S., relating to the
 34 | posting and advertising of certain site rates;
 35 | creating s. 513.1115, F.S.; providing requirements for
 36 | the establishment of separation and setback distances
 37 | for recreational vehicles; amending s. 513.112, F.S.;
 38 | deleting a provision requiring guest registers of
 39 | recreational vehicle parks to be made available for
 40 | inspection by the department at any time; amending s.
 41 | 513.115, F.S.; revising requirements for the handling
 42 | of unclaimed property left in a recreational vehicle
 43 | park; amending s. 513.13, F.S.; providing a penalty
 44 | for failure to depart from a recreational vehicle park
 45 | under certain circumstances; barring an operator from
 46 | certain liability; providing an effective date.

47 |
 48 | Be It Enacted by the Legislature of the State of Florida:

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

55 | 513.01 Definitions.—As used in this chapter, the term:
 56 | (3) "Mobile home" means a residential structure that is

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57 | transportable in one or more sections, which structure is 8 body
 58 | feet (2.4 meters) or more in width, over 35 feet in length with
 59 | the hitch, built on an integral chassis, ~~and~~ designed to be used
 60 | as a dwelling when connected to the required utilities, and not
 61 | originally sold as a recreational vehicle, and includes the
 62 | plumbing, heating, air-conditioning, and electrical systems
 63 | contained in the structure.

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

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

77 | 513.012 Public health laws; enforcement.—

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

85 health of the people of the state, pursuant to and consistent
86 with the delegation of authority established in this section and
87 s. 381.006.

88 (2) This chapter establishes uniform standards to be
89 administered and enforced by the department for the issuing of
90 permits for, and the operation of, mobile home parks, lodging
91 parks, recreational vehicle parks, and recreational camps, which
92 include:

93 (a) The design, location, and site sizes for sites in
94 parks and camps.

95 (b) Sanitary standards for the issuing of permits for, and
96 the operation of, parks and camps.

97 (c) The issuing of permits for parks and camps as required
98 by this chapter.

99 (d) The inspection of parks and camps to enforce
100 compliance with this chapter.

101 (e) Permit requirements.

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

104 (a) Occupancy standards for transient rentals in
105 recreational vehicle parks and camps.

106 (b) The liability for property of guests left on sites.

107 (c) Separation and setback distances established at the
108 time of initial approval.

109 (d) The maintenance of guest registers.

110 (e) Unclaimed property.

111 (f) Conduct of transient guests.

112 (g) Theft of personal property.

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- 113 (h) Evictions of transient guests.
- 114 (i) Writs of distress.
- 115 (j) The placement of recreational vehicles as described in
- 116 s. 320.01(1)(b) according to their sizes and types.
- 117 (4) Local governmental actions, ordinances, and
- 118 resolutions must be consistent with the uniform standards
- 119 established pursuant to this chapter and as implemented by rules
- 120 of the department. This chapter does not limit the authority of
- 121 a local government to adopt and enforce land use, building,
- 122 firesafety, and other regulations.
- 123 (5) However, nothing in This chapter does not qualify
- 124 ~~qualifies~~ a mobile home park, a lodging park, a recreational
- 125 vehicle park, or a recreational camp for a liquor license issued
- 126 under s. 561.20(2)(a)1. Mobile home parks, lodging parks,
- 127 recreational vehicle parks, and recreational camps regulated
- 128 under this chapter are exempt from regulation under ~~the~~
- 129 ~~provisions of~~ chapter 509.

130 Section 3. Section 513.014, Florida Statutes, is amended

131 to read:

132 513.014 Applicability of recreational vehicle park

133 provisions to mobile home parks.—A mobile home park that has

134 five or more sites set aside for recreational vehicles shall,

135 for those sites set aside for recreational vehicles, comply with

136 the recreational vehicle park requirements included in this

137 chapter. This section does not require a mobile home park with

138 spaces set aside for recreational vehicles to obtain two

139 licenses. ~~However, a mobile home park that rents spaces to~~

140 ~~recreational vehicles on the basis of long-term leases is~~

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141 ~~required to comply with the laws and rules relating to mobile~~
142 ~~home parks including but not limited to chapter 723, if~~
143 ~~applicable.~~

144 Section 4. Section 513.02, Florida Statutes, is amended to
145 read:

146 513.02 Operating permits ~~Permit.~~-

147 (1) A person may not establish or maintain a mobile home
148 park, lodging park, recreational vehicle park, or recreational
149 camp in this state without first obtaining an operating ~~a~~ permit
150 from the department. ~~Such permit is not transferable from one~~
151 ~~place or person to another. Each permit must be renewed~~
152 ~~annually.~~

153 (2) Before the commencement of construction of a new park
154 or camp or before any change to an existing park or camp which
155 requires construction of new sanitary facilities or additional
156 permitted sites, a person who operates or maintains such park or
157 camp must contact the department to receive a review and
158 approval. The items required to be submitted and the process for
159 issuing a review and approval shall be set by department rule.

160 (3) (a) An operating permit is not transferable from one
161 place or person to another. Each permit must be renewed
162 annually.

163 (b)-(2) The department may refuse to issue an operating ~~a~~
164 ~~permit to, or refuse to renew the~~ operating permit of, any park
165 or camp that is not constructed or maintained in accordance with
166 law and with the rules of the department.

167 (c)-(3) The department may suspend or revoke an operating ~~a~~
168 permit issued to any person that operates or maintains such a

169 park or camp if such person fails to comply with this chapter or
 170 the rules adopted by the department under this chapter.

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

176 ~~(e)(5)~~ When a park or camp regulated under this chapter is
 177 ~~sold or its ownership transferred,~~ the purchaser who continues
 178 operation of the park or camp transferee must apply to the
 179 department for an operating a permit within 30 days after to the
 180 ~~department before~~ the date of sale transfer. The applicant must
 181 provide the department with a copy of the recorded deed or lease
 182 agreement before the department may issue an operating a permit
 183 to the applicant.

184 (4) Each person seeking department review of plans for a
 185 proposed park or camp may submit such plans to the department
 186 for an assessment of whether such plans meet the requirements of
 187 this chapter and the rules adopted under this chapter.

188 (5) Each person constructing a new park or camp or adding
 189 spaces to an existing park or camp must, before the
 190 construction, renovation, or addition, submit plans to the
 191 department for department review and approval.

192 Section 5. Section 513.03, Florida Statutes, is amended to
 193 read:

194 513.03 Application for and issuance of operating permit.-

195 (1) An application for an operating a permit must be made
 196 in writing to the department, ~~on a form prescribed by the~~

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197 department. The application must state the location of the
 198 existing or proposed park or camp;~~;~~ the type of park or camp;~~;~~
 199 the number of mobile homes or recreational vehicles to be
 200 accommodated;~~;~~ ~~or~~ the number of recreational campsites,
 201 buildings, and sites set aside for group camping, including
 202 barracks, cabins, cottages, and tent spaces; the type of water
 203 supply;~~;~~ the method of sewage disposal;~~;~~ and any other
 204 information the department requires.

205 (2) If the department is satisfied, after reviewing the
 206 application of the proposed or existing park or camp and causing
 207 an inspection to be made, that the park or camp complies with
 208 this chapter and is so located, constructed, and equipped as not
 209 to be a source of danger to the health of the general public,
 210 the department shall issue the necessary approval or operating
 211 permit, in writing, on a form prescribed by the department.

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

214 513.045 Permit fees.—

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

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

222 (c) The fee for an annual operating ~~a~~ permit may not be
 223 set at a rate that is more than \$6.50 per space or less than
 224 \$3.50 per space. ~~Until rules setting these fees are adopted by~~

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225 ~~the department, the permit fee per space is \$3.50.~~ The annual
 226 operating permit fee for a nonexempt recreational camp shall be
 227 based on an equivalency rate for which two camp occupants equal
 228 one space. The total fee assessed to an applicant for an annual
 229 operating permit may not be more than \$600 or less than \$50,
 230 except that a fee may be prorated on a quarterly basis.

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

234 Section 7. Section 513.05, Florida Statutes, is amended to
 235 read:

236 513.05 Rules.—The department may adopt rules pertaining to
 237 the location, construction, modification, equipment, and
 238 operation of mobile home parks, lodging parks, recreational
 239 vehicle parks, and recreational camps, except as provided in s.
 240 633.022, as necessary to administer and enforce this chapter,
 241 pursuant to and consistent with the delegation of authority
 242 established in this section and s. 381.006. Such rules may
 243 include definitions of terms; requirements for plan reviews of
 244 proposed and existing parks and camps; plan reviews of parks
 245 that consolidate or expand space or capacity or change space
 246 size; water supply; sewage collection and disposal; plumbing and
 247 backflow prevention; garbage and refuse storage, collection, and
 248 disposal; insect and rodent control; space requirements; heating
 249 facilities; food service; lighting; sanitary facilities;
 250 bedding; an occupancy equivalency to spaces for permits for
 251 recreational camps; sanitary facilities in recreational vehicle
 252 parks; and the owners' responsibilities at recreational vehicle

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253 parks and recreational camps.

254 Section 8. Section 513.054, Florida Statutes, is amended
255 to read:

256 513.054 Penalties for specified offenses by operator.—

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

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

268 Section 9. Section 513.055, Florida Statutes, is amended
269 to read:

270 513.055 Revocation or suspension of operating permit;
271 fines; procedure.—

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

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

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281 permit is revoked may not apply for another operating permit for
 282 that location before ~~prior to~~ the date on which the revoked
 283 operating permit would otherwise have expired.

284 (2) (a) In lieu of such suspension or revocation of an
 285 operating a permit, the department may impose a fine against a
 286 permittee for the permittee's failure to comply with ~~the~~
 287 ~~provisions described in~~ paragraph (1) (a) or may place such
 288 licensee on probation. A ~~No~~ fine so imposed may not ~~shall~~ exceed
 289 \$500 for each offense, and all amounts collected in fines shall
 290 be deposited with the Chief Financial Officer to the credit of
 291 the County Health Department Trust Fund.

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

295 1. The gravity of the violation and the extent to which
 296 the provisions of the applicable statutes or rules have been
 297 violated.

298 2. Any action taken by the operator to correct the
 299 violation.

300 3. Any previous violation.

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

303 513.10 Operating without permit; enforcement of chapter;
 304 penalties.—

305 (1) Any person who maintains or operates a mobile home
 306 park, lodging park, recreational vehicle park, or recreational
 307 camp without first obtaining an operating a permit as required
 308 by s. 513.02, or who maintains or operates such a park or camp

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309 after revocation of the operating permit, commits ~~is guilty of~~ a
 310 misdemeanor of the second degree, punishable as provided in s.
 311 775.082 or s. 775.083.

312 Section 11. Section 513.111, Florida Statutes, is
 313 repealed.

314 Section 12. Section 513.1115, Florida Statutes, is created
 315 to read:

316 513.1115 Placement of recreational vehicles on lots in
 317 permitted parks.-

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

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

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

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

330 513.112 Maintenance of guest register and copy of laws.-

331 (1) It is the duty of each operator of a recreational
 332 vehicle park that rents to transient guests to maintain at all
 333 times a register, signed by or for guests who occupy rental
 334 sites within the park. The register must show the dates upon
 335 which the rental sites were occupied by such guests and the
 336 rates charged for the guests' occupancy. This register shall be

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337 maintained in chronological order ~~and shall be available for~~
338 ~~inspection by the department at any time.~~ An operator is not
339 required to retain a register that is more than 2 years old.

340 Section 14. Section 513.115, Florida Statutes, is amended
341 to read:

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

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

355 513.13 Recreational vehicle parks; eviction; grounds;
356 proceedings.—

357 (2) The operator of any recreational vehicle park shall
358 notify such guest that the park no longer desires to entertain
359 the guest and shall request that such guest immediately depart
360 from the park. Such notice shall be given in writing. If such
361 guest has paid in advance, the park shall, at the time such
362 notice is given, tender to the guest the unused portion of the
363 advance payment. Any guest who remains or attempts to remain in
364 such park after being requested to leave commits ~~is guilty of a~~

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365 misdemeanor of the second degree, punishable as provided in s.
366 775.082 or s. 775.083. If the notice is given in the presence of
367 a law enforcement officer by posting or personal delivery and
368 the person fails to depart from the park immediately, the person
369 commits a misdemeanor of the second degree, punishable as
370 provided in s. 775.082 or s. 775.083.

371 (4) If any person is illegally on the premises of any
372 recreational vehicle park, the operator of such park may call
373 upon any law enforcement officer of this state for assistance.
374 It is the duty of such law enforcement officer, upon the request
375 of such operator, to place under arrest and take into custody
376 for violation of this section any guest who violates subsection
377 (1) or subsection (2) in the presence of the officer. If a
378 warrant has been issued by the proper judicial officer for the
379 arrest of any violator of subsection (1) or subsection (2), the
380 officer shall serve the warrant, arrest the person, and take the
381 person into custody. Upon arrest, with or without warrant, the
382 guest is deemed to have given up any right to occupancy or to
383 have abandoned the guest's right to occupancy of the premises of
384 the recreational vehicle park; and the operator of the park
385 shall employ all reasonable and proper means to care for any
386 personal property left on the premises by such guest and shall
387 refund any unused portion of moneys paid by such guest for the
388 occupancy of such premises. The operator is not liable for
389 damages to personal property left on the premises by a guest who
390 violates subsection (1) or subsection (2) and is arrested by a
391 law enforcement officer.

392 Section 16. This act shall take effect September 1, 2012.