

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Health Policy

BILL: SB 938

INTRODUCER: Senator Dean

SUBJECT: Recreational Vehicle Parks

DATE: March 7, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Stovall	HP	Pre-meeting
2.			AHS	
3.			AP	
4.				
5.				
6.				

I. Summary:

SB 938 amends and creates sections in chapter 513, Florida Statutes, to:

- Create a definition for the term “occupancy” from language already present in the definition of the term “recreational vehicle” (RV).
- State the intent of the Legislature that RV parks be uniformly regulated under the provisions of chapter 513, F.S.
- Require the Department of Health (DOH) to develop and enforce standards and procedures for RV parks including, but not limited to, the provisions detailed in the bill.
- Mandate local governmental action, ordinances, and resolutions to be consistent with the provisions in chapter 513, F.S., with exceptions for land use, building, fire-safety and other regulations.
- Fix setback and separation distances for RV sites at the time of initial approval of an RV park.
- Repeal section 513.111, F.S., which regulates site rates, the posting of signs, and advertising in and for RV parks and establishes penalties for violating those regulations.

This bill substantially amends section 513.01, F.S., creates sections 513.013 and 513.1115, F.S., and repeals section 513.111, F.S.

II. Present Situation:

The DOH is required under s. 381.006, F.S., to conduct an environmental health program as part of fulfilling the state’s public health mission. The mission of the environmental health program is to detect and prevent disease caused by natural and manmade factors in the environment. The

environmental health program includes the oversight of mobile home parks, lodging parks, RV parks, and recreational camps, as provided in ch. 513, F.S.¹

Chapter 513, F.S., provides that the DOH is the exclusive regulatory and permitting authority for sanitary standards for all mobile home parks, lodging parks, RV parks and recreational camps.² In addition to permit and sanitation requirements, ch. 513, F.S., requires each RV park renting by the day or week to post its rates, regulates the manner in which the rates are advertised, and requires each operator of a recreational vehicle park to maintain a guest register and a copy of ch. 513, F.S.

Chapter 513, F.S., also provides for:

- The operator of a recreational vehicle park's liability;
- The disposition of unclaimed property;
- The establishment of park rules and regulations;
- The right of a park operator to refuse accommodations or service in certain circumstances;
- Criminal penalties for persons obtaining park accommodations through fraud;
- Criminal penalties for theft of property belonging to the park;
- The eviction of transient guests; and
- Writs of distress.³

Pursuant to s. 513.05, F.S.,⁴ the DOH has adopted rules in Chapter 64E-15, Florida Administrative Code, pertaining to: minimum area requirements, water supply, sewage disposal, sanitary facilities, plumbing, garbage and refuse disposal, insect and rodent control, recreational camp standards, permits and fees, and owner's and operator's responsibilities.⁵

The Mobile Home and Recreational Vehicle Parks Program is administered within the DOH by the Division of Environmental Health. The program's primary objective is to minimize the risk of injury and illness by conducting routine inspections of parks and camps. The inspections focus on proper sewage disposal, safe drinking water, safe solid waste collection and disposal, and safe and disease-free swimming pools (where provided) to minimize the risk of certain diseases and minimize infestations of harmful insects and rodents. The county health departments are responsible for receiving and investigating environmental health and sanitation complaints; they also conduct routine inspections, plan reviews, educational programs, investigations, complaints, and enforcement actions.⁶

¹ Section 381.006(14), F.S.

² Section 513.051, F.S.

³ According to s. 83.12, F.S., "a distress writ shall be issued by a judge of the court which has jurisdiction of the amount claimed. The writ shall enjoin the defendant from damaging, disposing of, secreting, or removing any property liable to distress from the rented real property after the time of service of the writ until the sheriff levies on the property, the writ is vacated, or the court otherwise orders." Section 513.151, F.S., authorizes an operator of a recreational vehicle park to levy a lien against the property of a guest if a guest vacates the premises with an outstanding account.

⁴ See s. 513.05, F.S., "The DOH may adopt rules pertaining to the location, construction, modification, equipment, and operation of mobile home parks, lodging parks, recreational vehicle parks, and recreational vehicle camps... as necessary to administer this chapter."

⁵ See 64E-15.002-15.008, F.A.C.

⁶ The Department of Health, Division of Environmental Health, *Mobile Home and Recreational Vehicle Park Program*, available at: <<http://www.doh.state.fl.us/environment/community/mobile/index.html>> (Last visited on March 7, 2012).

The DOH's enforcement actions may include citations, fines, or suspension or revocation of an operating permit.⁷ However, the DOH may only use a single enforcement procedure for any one violation.⁸ Certain violations of ch. 513, F.S., are also subject to criminal penalties.⁹

Currently, there are approximately 5,500 mobile home parks, lodging parks, recreational vehicle parks, and recreational camps in Florida.¹⁰ Permits for mobile home parks, lodging parks, recreational vehicle parks, and recreational camps are issued annually by the DOH under s. 513.02, F.S. Section 513.045, F.S., sets the permissible statutory range for permit fees at \$3.50-\$6.50 per space, and the total assessed fee at no less than \$50 or more than \$600, annually.¹¹ Permit fees are set by the DOH rule at \$4 per space and cumulatively not less than \$100 or more than \$600 annually.¹²

Certain local governments have adopted ordinances with definitions of terms that conflict with the definition of terms under ch. 513, F.S. For example, Charlotte County¹³ has adopted an ordinance that defines a "mobile home" as a vehicle exceeding 8 feet in width and 32 feet in overall length, which contradicts the definition of the term mobile home in s. 513.01(3), F.S., which defines a mobile home as a residential structure that is 8 body feet (2.4 meters) or more in width and over 35 feet in length with the hitch. Volusia County¹⁴ splits the definition of "mobile recreational shelters and vehicles" into multiple categories, some of which provide for different length and width requirements.¹⁵

III. Effect of Proposed Changes:

Section 1 amends s. 513.01, F.S., to create a new definition for the term "occupancy" from language already present in the definition of the term "recreational vehicle" in the same section.

Section 2 creates s. 513.013, F.S., which:

- States the legislative intent that RV parks and recreational camps be regulated uniformly statewide under ch. 513, F.S.
- Requires the DOH to administer and enforce laws and rules, with respect to RV parks and recreational camps, relating to sanitation, control of communicable diseases, illnesses, and hazards to health among humans, hazards to health from animals to humans, and the general health of the people of the state.

⁷ Sections 513.055 and 513.065, F.S.

⁸ Section 513.065(6), F.S.

⁹ Sections 513.054 (second-degree misdemeanor for specified offenses by an operator of a camp or park), 513.10 (second-degree misdemeanor for operating without a permit), 513.111 (second-degree misdemeanor for an advertising violation), and 513.122, F.S. (third-degree felony for theft of guest property by park employee).

¹⁰ See *supra* note 6.

¹¹ Section 513.045, F.S.

¹² Rule 64E-15.010, F.A.C.

¹³ Ordinances of Charlotte County, Florida, Part III: *Land Development and Growth Management*, Ch. 3-4 "Mobile Homes," S. 3-4-1, "Definitions," available at: http://library.municode.com/HTML/10526/level2/PTIILADEGRMA_CH3-4MOHO.html#PTIILADEGRMA_CH3-4MOHO_S3-4-1DE (Last visited on March 7, 2012).

¹⁴ Volusia County Code of Ordinances, Ch. 72: *Land Planning*, "Definitions," available at: <http://library.municode.com/index.aspx?clientid=11665> (Last visited on March 7, 2012).

¹⁵ See s. 316.515, F.S.

- Requires the DOH to develop and enforce standards and procedures for RV parks and recreational camps including, but not limited to:
 - The design, location, at site sizes for sites in parks and camps, including separation and setback distances established at the time of initial approval;
 - Permit requirements;
 - The inspection of parks and camps to enforce compliance with ch. 513, F.S.; and
 - Standards and procedures for the operation of parks and camps as detailed in this section, relating to a guest register, occupancy standards, conduct of transient guests, eviction procedures, writs of distress, theft of personal property, liability for personal property left on site, and disposal of unclaimed property.
- Mandates local governmental action, ordinances, and resolutions be consistent with the provisions in ch. 513, F.S., with exceptions for land use, building, fire-safety and other regulations.

Section 3 creates s. 513.115, F.S., which fixes, at the time of initial approval of an RV park by the DOH and the local government, setback distances for the placement of RVs on lots in RV parks and separation distances for RV sites. This section does not limit regulation under the uniform fire-safety standards established in s. 633.022, F.S.

Section 4 repeals s. 513.111, F.S., which regulates site rates, the posting of signs, and advertising in and for RV parks and establishes penalties for violating those regulations.

Section 5 provides an effective date of July 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

SB 938 creates a uniform standard for the regulation for RV parks which could minimize negative fiscal impacts to the industry which result from inconsistent local regulations.

C. Government Sector Impact:

This bill requires the DOH to create new rules and standards associated with creating a uniform standard for the regulation of RV parks. This bill will have a small fiscal impact on the DOH associated with creating these new rules and standards.

VI. Technical Deficiencies:

Subsection (3) of s. 513.013, F.S., created by section 2 of this bill, states that all local government actions, ordinances, and resolutions must be consistent with the uniform standards established by ch. 513, F.S. However, this subsection also exempts certain local government regulations including an undefined catch all phrase “other regulations.” This catch all phrase may allow local governments to ignore the requirement to comply with the uniform standards by stating all of their new actions, etc., that are inconsistent with the uniform standard fall under the category of “other regulations.”

VII. Related Issues:

Section 513.012, F.S., presently contains legislative intent language which is substantially similar to new language created in s. 513.013(1), F.S. It may be easier to determine the legislative intent behind ch. 513, F.S., if all of the legislative intent language is in one section. Instead of creating new language in s. 513.013(1), F.S., s 513.012, F.S., might be amended to reflect the intent that RV parks and recreational camps be regulated *uniformly* under the chapter.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.