

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 969 Recreational Vehicle Parks

SPONSOR(S): Health Quality Subcommittee; Raburn

TIED BILLS: **IDEN./SIM. BILLS:** SB 938

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Health Quality Subcommittee	12 Y, 0 N, As CS	Guzzo	O'Callaghan
2) Health & Human Services Committee	17 Y, 0 N	Guzzo	Calamas

SUMMARY ANALYSIS

The Department of Health (DOH) is the exclusive regulatory and permitting authority for the sanitary standards of all mobile home parks, lodging parks, recreational vehicle (RV) parks, and recreational camps. Currently, there is no statutory guidance relating to uniform standards of operation for DOH to regulate these RV parks and recreational camps.

The bill provides standards for separation distances between RV sites, within RV parks, and setback distances from the exterior property boundary of RV parks. The bill provides that the separation and set-back distance provisions do not limit the regulation of the uniform fire-safety standards established in s. 633.022, F.S.

The bill also defines "occupancy" to clarify that the term means the length of time the RV is occupied by a transient guest and not the length of time the RV is located on a leased RV site. The definition also clarifies that the attachment of the RV and any appurtenances to the ground with removable attachment devices do not render the RV a permanent part of the RV site.

Lastly, the bill repeals s. 513.111, F.S., which requires the posting of rental rates in a certain manner and regulates advertising by RV parks.

The bill does not appear to have a fiscal impact.

The bill provides an effective date of July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Chapter 513, F.S., and Rule 64E-15, F.A.C., provide regulations for mobile home parks, lodging parks, recreational vehicle (RV) parks, and recreational camps.

The Department of Health (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.

Chapter 513, F.S., provides that DOH is the exclusive regulatory and permitting authority for sanitary standards for all mobile home parks, lodging parks, RV parks and recreational camps. 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, regulate 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.

Pursuant to s. 513.05, F.S.,¹ 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.²

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

- The liability of an operator of an RV park;
- 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

Applications and Permits

Before establishing or maintaining a mobile home park, lodging park, RV park, or recreational camp, a permit must be obtained from the DOH.⁴ The permit must be renewed annually and a new permit is required when a park or camp is sold or its ownership is transferred.⁵ If a person maintains or operates any of these entities without first obtaining a permit, he or she is guilty of a second degree misdemeanor.⁶

¹ 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."

² See 64E-15.002-15.008, F.A.C.

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 S. 513.02(1), F.S.

⁵ S. 513.02(5), F.S.

⁶ S. 513.10(1), F.S.

When applying to DOH for a permit, in addition to any information required by DOH, the camp or park must include the following information:

- The type of camp or park;
- The number of mobile homes or RVs to be accommodated or the number of recreational campsites;
- The type of water supply; and
- The method of sewage disposal.⁷

Parks and camps must also submit a valid set of plans to the county public health unit at the time of permit application. The plans must include:

- A drawing of the park or camp that includes the area and dimensions of the tract of land;
- The space number or other designation of the space;
- The location and size of all mobile home spaces, recreational vehicle spaces, and tent spaces; and
- The location of all roadways.⁸

The drawing does not have to be drawn to scale or completed by an engineer if the space dimensions are shown. For permanent buildings located within the park or camp, a floor plan must also be submitted showing the number, types, and distribution of all plumbing fixtures.⁹

Once DOH reviews the application and inspects the park or camp, a permit is issued, if it is determined that the park or camp complies with ch. 513, F.S., and that it is not a source of danger to the health of the general public.¹⁰

Currently, there are approximately 5,500 mobile home parks, lodging parks, RV parks, and recreational camps in Florida.¹¹ Permits for mobile home parks, lodging parks, RV parks, and recreational camps are issued annually by 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.¹² Permit fees are set by DOH rule at \$4 per space and cumulatively not less than \$100 or more than \$600 annually.¹³

RVs are typically installed in an RV park in the same manner as a manufactured home with tie downs and ground anchors. The RV also typically occupies a site for the term of a one year lease. Occupancy by the owner is always limited in the lease to a term of six months or less, in order to maintain the statutory presumption that it is a transient occupancy not subject to part II of ch. 83, F.S., the "Florida Residential Landlord and Tenant Act." Notwithstanding the limitation on occupancy, the RV does not move, but is stored in place on the rented RV site.

Some local governments have adopted ordinances that do not allow the RV owner to stay in the RV on the site for more than six months. After the six-month period, the RV must be moved to a storage area. In this instance, "occupancy" of the home relates to the time that the RV is on the site, not to the actual occupancy by the owner. For example, the Monroe County ordinance states that upon vacation of the RV, the RV must be moved to an RV storage compound and not maintained on a rented site. This practice prohibits long term clients from maintaining their homes in the community. Charlotte

⁷ S. 513.03(1), F.S.

⁸ Rule 64E-15.010(2)(b), F.A.C.

⁹ *Id.*

¹⁰ S. 513.03(2), F.S.

¹¹ 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 22, 2013).

¹² S. 513.045, F.S.

¹³ Rule 64E-15.010, F.A.C.

County¹⁴ 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 with 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 County¹⁵ splits the definition of “mobile recreational shelters and vehicles” into multiple categories, some of which provide for different length and width requirements.¹⁶ There are significant costs associated with moving and relocating an RV that has been installed on an RV site with anchors, tie downs and other temporary structures.

Mobile Home and Recreational Vehicle Parks Program

The Mobile Home and Recreational Vehicle Parks Program is administered within DOH by the Division of Environmental Health. The program is administered through the 67 county health departments. The program’s primary objective is to minimize the risk of injury and illness by conducting routine inspections of parks and camps. DOH inspects each park or camp at least annually.¹⁷ The inspections focus on proper sewage disposal, safe drinking water, safe solid waste collection and disposal, and safe and disease-free swimming pools 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.¹⁸

DOH’s enforcement actions may include citations, fines, or suspension or revocation of an operating permit.¹⁹ However, DOH may only use a single enforcement procedure for any one violation.²⁰ Certain violations of ch. 513, F.S., are also subject to criminal penalties.²¹

Effect of Proposed Changes

The bill defines “occupancy” in the context of mobile homes and RV parks to mean the length of time that an RV is occupied by a transient guest and not the length of time that the vehicle is located on the leased RV site. An RV may be stored and tied down on the RV site when not in use to accommodate the needs of the guest. The bill clarifies in the definition that the attachment of an RV to the ground with tie-downs or other removable fasteners and the attachment of carports, porches, screen rooms, and similar appurtenances with removable attaching devices, do not render the RV a permanent part of the vehicle site.

The change in the definition of “occupancy” of an RV should alleviate concerns by local government that there is permanent housing being provided. The “continuous occupancy” in an RV unit can be determined by the guest register, required under s. 513.112, F.S. Action can be taken by local government to prohibit continuous occupancy of an RV without imposing the cost and expense of requiring a move of the RV every six months.

The bill creates s. 513.1115, F.S., to require that separation distances between RV sites on lots in permitted parks be the distances established at the time of the initial approval of the RV park by DOH and the local government. The bill also requires that setback distances from the exterior property boundary of the RV park be the setback distances established at the time of the initial approval by

¹⁴ 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).

¹⁵ 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).

¹⁶ See s. 316.515, F.S.

¹⁷ S. 513.052, F.S.

¹⁸ See *supra* at FN 10.

¹⁹ Ss. 513.055 and 513.065, F.S.

²⁰ S. 513.065(6), F.S.

²¹ Ss. 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).

DOH and the local government. The bill specifies that these requirements do not limit the regulations of the uniform fire safety standards in s. 633.022, F.S.

Finally, the bill 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.

B. SECTION DIRECTORY:

Section 1: Amends s. 513.01, F.S., relating to definitions.

Section 2: Creates s. 513.1115, F.S., relating to placement of recreational vehicles on lots in permitted parks.

Section 3: Repeals s. 513.111, F.S., relating to site rates, posting, advertising, and penalties.

Section 4: Provides an effective date of July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal government.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The Department of Health has sufficient rule-making authority to implement the provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

A part of the definition of “recreational vehicle” in s. 513.01(9), F.S., is included in the newly created definition of “occupancy” in the bill, which appears to make that portion of the new definition redundant.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 27, 2013, the Health Quality Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment:

- Deletes provisions preempting local ordinances, resolutions, codes, policies, and regulations that relate to the permitting and design of recreational vehicle parks and recreational camps; and
- Makes a clarifying change as to the required separation distances between recreational vehicle sites.

This analysis is drafted to the committee substitute as passed by the Health Quality Subcommittee.