

This bill repeals s. 513.111 of the Florida Statutes.

This bill creates s. 513.1115, Florida Statutes.

II. Present Situation:

Mobile home parks,¹ lodging and recreational vehicle parks, and recreational camps are regulated and licensed under ch. 513, F.S., and Rule Chapter 64E-15, Florida Administrative Code (F.A.C.) by the Department. Licenses are issued annually by the county health departments. The county health departments provide direct services in the operational aspect of the program through routine inspections, plan reviews, educational programs, and enforcement actions. The objective of this program is to minimize the risk of injury and illness in this residential environment by focusing on safe drinking water supply, proper sewage disposal, a safe and disease free swimming pool (where provided), and assurances that the establishment is free from garbage, harmful insects, and rodent infestations. Specifically, rules address minimum area requirements for each space, the 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.

There are approximately 5,700 mobile home parks, lodging and recreational vehicle parks, and recreational camps in Florida.²

Permit fees are set by rule at \$4 per space and cumulatively must not be less than \$100 or \$600 annually.³ The statutory range is \$3.50-\$6.50 per space and cumulatively not less than \$50 or more than \$600 annually.

III. Effect of Proposed Changes:

Section 1. Amends s. 513.01, F.S., to revise the definition of "mobile home" and "recreational vehicle" and to define "occupancy." The definition of "mobile home" is modified to exclude a structure originally sold as a recreational vehicle. The term "occupancy" is defined to mean the length of time that a recreational vehicle is occupied by a transient guest and not the length of time that such a vehicle is located on the leased recreational site. Part of the current definition of "recreational vehicle" is moved to the definition of "occupancy."

Section 2. Amends s. 513.012, F.S., to specify that the Department is responsible for regulating and enforcing the provisions in ss. 513.01-513.1115, F.S., but not the entire chapter.

Section 3. Amends s. 513.014, F.S., to remove a redundant provision that a mobile home park must comply with the laws and rules relating to mobile home parks in ch. 723, F.S.

¹ Mobile home park lot tenancies are subject to ch. 723, F.S., The Florida Mobile Home Act.

² The Department of Health, Division of Environmental Health, Mobile Home and Recreational Vehicle Parks website found at: <<http://www.doh.state.fl.us/environment/community/mobile/index.html>> (Last visited on March 28, 2009).

³ Rule 64E-15.010, F.A.C.

Section 4. Amends s. 513.02, F.S., to require a person who maintains a mobile home park, lodging park, recreational vehicle park, or recreational camp who is going to construct a new park or camp, or change an existing park or camp that requires construction of new sanitary facilities or additional permitted sites to receive a construction review and approval from the Department prior to beginning construction or changes. The Department is required to identify in rule the items required to be submitted and the process of issuing a construction review and approval. The terminology related to a permit and permitting requirements is modified to designate the permit as an operating permit. Inconsistent references to transferring permits are eliminated since permits are not transferrable.

Section 5. Amends s. 513.03, F.S., to add information that must be submitted in an application for an operating permit to include the number of buildings and sites set aside for group camping, including barracks, cabins, cottages, and tent spaces. The Department must issue the construction approval or operating permit if it is satisfied, after reviewing the application and conducting an inspection, that the park or camp is not a source of danger to the health of the general public, within the criteria established under this law.

Section 6. Amends s. 513.045, F.S., to clarify language related to the fees imposed for the operating permit, increase the maximum cumulative amount of the annual operating permit fee from \$600 to \$1,000, and authorize the Department to assess late fees if annual operating permit fees are not paid timely.

The Department is authorized to charge a fee, established by rule, for review of construction plans. Submission of plans for review is optional and this fee may not exceed an amount sufficient to cover the cost to the Department for the review.

A person constructing a new park or camp or adding spaces or renovating an existing park or camp is required to submit the construction plans to the Department for review and approval. The Department is authorized to establish by rule a fee for the construction plan review and approval, which may not exceed an amount sufficient to cover the costs incurred by the Department for plan review and inspections conducted prior to the opening of the park.

The Department is also authorized to establish by rule a reinspection fee in an amount sufficient to cover, but not exceed, the costs associated with multiple reinspections that are required to obtain compliance with certain violations that have been the subject of more than two inspections for cited violations and that have not been contested or corrected.

Section 7. Amends s. 513.05, F.S., to authorize the Department to adopt rules related to temporary events at unlicensed locations which may require a temporary operating permit. It also clarifies the Department's authority to adopt rules related to reviewing plans that consolidate or expand space or capacity.

Section 8. Amends s. 513.051, F.S., to specify the statutory sections within the chapter that are under the Department's regulatory and permitting authority. A provision is added to assert state preemption for the regulation of mobile home parks, lodging parks, recreational vehicle parks, and recreational camps subject to ss. 513.01-513.1115, F.S., and that every unit of local

government is prohibited from taking any action related to the matters and things preempted to the state.

Section 9. Amends s. 513.054, F.S., to clarify that a person who does not obtain an *operating* permit for a mobile home park, lodging park, recreational vehicle park, or recreational camp or refuses to pay the *operating* permit fee commits a misdemeanor of the second-degree.

Section 10. Amends s. 513.055, F.S., to clarify that the permit referred to in this section related to the revocation or suspension of a permit applies to an *operating* permit.

Section 11. Amends s. 513.10, F.S., to clarify that a person who operates a mobile home park, lodging park, recreational vehicle park, or recreational camp without first obtain an *operating* permit or maintains or operates a park or camp after revocation of the operating permit commits a misdemeanor of the second-degree.

Section 12. Repeals s. 513.111, F.S., relating to posting or publishing site rates for a recreational vehicle park that rents by the day or week and the criminal penalties associated with this activity.

Section 13. Creates s. 513.1115, F.S., to require the spacing of recreational vehicles to be maintained at the distances established at the time of the Department's initial approval of the recreational vehicle park or as historically applied by local government. However, this subsection does not limit the regulation of uniform fire-safety standards under s. 633.022, F.S. In addition, this section requires setback distances from the exterior property boundary of a recreational vehicle park to be maintained in accordance with the setback distances applicable when the Department granted approval for the construction of the park.

Section 14. Amends s. 513.112, F.S., to eliminate the requirement that the guest registry of a recreational vehicle park must be made available to the Department for inspection.

Section 15. Amends s. 513.115, F.S., to authorize an operator of a recreational vehicle park to dispose of property belonging to a guest who has vacated the premises without notice to the operator and who has an outstanding account that has been unclaimed for 90 days. An owner of a park is no longer required to provide written notice to any guest or owner of property left at the park prior to disposing of the property; however, the property must be held by the park for 90 days prior to disposal.

Section 16. Amends s. 513.13, F.S., to provide that if an operator of a recreational vehicle park notifies a person to leave the park for a permissible reason, by either posting or personal delivery, in the presence of a law enforcement officer, and the person fails to depart from the park immediately, the person commits a misdemeanor of the second degree. Permissible reasons include: possessing or dealing in controlled substances, disturbing the peace and comfort of other persons, causing harm to the physical park, or failing to pay the rental rate as agreed. Additionally, an operator is not liable for damages to personal property left on the premises by a guest who has been removed from the park or arrested for the failure to leave the park after being notified to leave for a permissible reason.

Section 17. Provides an effective date of July 1, 2009.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of the bill have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

This bill increases the cumulative upper limit for the annual operating permit fee for a mobile home park, lodging park, recreational vehicle park, or recreational camp from \$600 to \$1,000. The bill also authorizes the Department to assess fees for late payment of the operating permit fee and set a fee for an optional review of construction plans, the review and approval of construction plans, and reinspection fees.

B. Private Sector Impact:

Some owners and operators of mobile home parks, lodging parks, recreational vehicle parks, or recreational camps will be subject to the increased and additional fees depending upon their activities.

C. Government Sector Impact:

The Department is required to adopt rules to implement provisions in this bill. The Department estimates that rule promulgation will cost \$4,015.

Local governments are pre-empted from regulating mobile home parks, lodging parks, recreational vehicle parks, or recreational camps within their local jurisdiction.

VI. Technical Deficiencies:

Lines 134-139 amending s. 513.02, F.S., related to permits, require a construction review and approval for any change to an existing park or camp that requires construction of new sanitary facilities or additional permitted sites. However, lines 215-218 amending s. 513.045, F.S., related to permit fees, require the submission of construction plans for department review and approval by a person adding spaces or renovating an existing park or camp. This section covers all renovations, not just construction of new sanitary facilities.

VII. Related Issues:

The Department noted in its bill analysis that it currently has no authority to ensure that roads within parks and camps are safe for normal vehicle traffic and emergency vehicles. Without the ability to address roads, access for emergency vehicles can potentially be limited or severely restricted. The Department also noted that it is not authorized to charge fees for temporary operating permits.

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:**Barcode 559852 by Health Regulation Committee on April 1, 2009:**

This amendment reinstates the annual maximum fee for an operating permit to \$600.

Barcode 723216 by Health Regulation Committee on April 1, 2009:

This amendment eliminates the new language in the bill that authorizes the Department to establish a reinspection fee.