

By Senator Dean

3-00224-10

2010354

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; amending s. 513.014, F.S.;  
7           revising applicability of recreational vehicle park  
8           requirements to mobile home parks; amending s. 513.02,  
9           F.S.; revising permit requirements; providing  
10          requirements for construction review and approval for  
11          private parks and camps; amending s. 513.03, F.S.;  
12          revising requirements for permit applications;  
13          amending s. 513.045, F.S.; revising fees charged to  
14          operators of certain parks or camps; providing for the  
15          assessment of late fees; authorizing persons to  
16          request from the department a review of plans for a  
17          proposed park or camp; authorizing a fee for such  
18          review; requiring certain construction and renovation  
19          plans to be submitted to the department for review and  
20          approval; requiring the department to establish fees  
21          for review of such plans; amending s. 513.05, F.S.;  
22          providing the department with additional rulemaking  
23          authority; amending s. 513.051, F.S.; providing for  
24          state preemption of regulatory and permitting  
25          authority for sanitary and other standards for parks  
26          and camps under ch. 513, F.S.; amending s. 513.054,  
27          F.S.; providing that an operator of a mobile home or  
28          recreational vehicle park or camp who refuses to pay  
29          the operating permit fee required by law or who fails,

3-00224-10

2010354

30 neglects, or refuses to obtain an operating permit for  
31 the park commits a misdemeanor of the second degree;  
32 amending s. 513.055, F.S.; conforming permit  
33 terminology; amending s. 513.10, F.S.; providing that  
34 a person who operates a mobile home, lodging, or  
35 recreational vehicle park without a permit commits a  
36 misdemeanor of the second degree; repealing s.  
37 513.111, F.S., relating to the posting and advertising  
38 of certain site rates; creating s. 513.1115, F.S.;  
39 providing requirements for the establishment of  
40 separation and setback distances; amending s. 513.112,  
41 F.S.; deleting a provision requiring guest registers  
42 to be made available for inspection by the department  
43 at any time; amending s. 513.115, F.S.; revising  
44 requirements for the handling of unclaimed property;  
45 amending s. 513.13, F.S.; providing a penalty for  
46 failure to depart from a park under certain  
47 circumstances; barring an operator from certain  
48 liability; providing an effective date.

49  
50 Be It Enacted by the Legislature of the State of Florida:

51  
52 Section 1. Subsections (5) through (11) of section 513.01,  
53 Florida Statutes, are renumbered as subsections (6) through  
54 (12), respectively, a new subsection (5) is added to that  
55 section, and present subsections (3) and (9) of that section are  
56 amended, to read:

57 513.01 Definitions.—As used in this chapter, the term:  
58 (3) "Mobile home" means a residential structure that is

3-00224-10

2010354\_\_

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

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

77 (10)~~(9)~~ "Recreational vehicle" has the same meaning as  
78 provided for the term "recreational vehicle-type unit" in s.  
79 320.01. However, the terms "temporary living quarters" and  
80 "seasonal or temporary living quarters" as used in s. 320.01, in  
81 reference to recreational vehicles placed in recreational  
82 vehicle parks, relate to the period of time the recreational  
83 vehicle is occupied as living quarters during each year and not  
84 to the period of time it is located in the recreational vehicle  
85 park. ~~During the time the recreational vehicle is not occupied~~  
86 ~~as temporary or seasonal quarters, it may be stored and tied~~  
87 ~~down on the recreational vehicle site. The affixing of a~~

3-00224-10

2010354

88 ~~recreational vehicle to the ground by way of tie-downs or other~~  
89 ~~removable fasteners, and the attachment of carports, porches,~~  
90 ~~screen rooms, and similar appurtenances by way of removable~~  
91 ~~attaching devices, does not render the recreational vehicle a~~  
92 ~~permanent part of the recreational vehicle site.~~

93 Section 2. Section 513.012, Florida Statutes, is amended to  
94 read:

95 513.012 Public health laws; enforcement.—It is the intent  
96 of the Legislature that mobile home parks, lodging parks,  
97 recreational vehicle parks, and recreational camps be regulated  
98 under this chapter. As such, the department shall administer and  
99 enforce, with respect to such parks and camps, laws and rules  
100 provided pursuant ss. 513.01-513.1115 which are related, but not  
101 limited, ~~relating~~ to sanitation, control of communicable  
102 diseases, illnesses and hazards to health among humans and from  
103 animals to humans, and the general health of the people of the  
104 state. However, nothing in this chapter qualifies a mobile home  
105 park, a lodging park, a recreational vehicle park, or a  
106 recreational camp for a liquor license issued under s.  
107 561.20(2)(a)1. Mobile home parks, lodging parks, recreational  
108 vehicle parks, and recreational camps regulated under this  
109 chapter are exempt from regulation under the provisions of  
110 chapter 509.

111 Section 3. Section 513.014, Florida Statutes, is amended to  
112 read:

113 513.014 Applicability of recreational vehicle park  
114 provisions to mobile home parks.—A mobile home park that has  
115 five or more sites set aside for recreational vehicles shall,  
116 for those sites set aside for recreational vehicles, comply with

3-00224-10

2010354

117 the recreational vehicle park requirements included in this  
118 chapter. This section does not require a mobile home park with  
119 spaces set aside for recreational vehicles to obtain two  
120 licenses. ~~However, a mobile home park that rents spaces to~~  
121 ~~recreational vehicles on the basis of long-term leases is~~  
122 ~~required to comply with the laws and rules relating to mobile~~  
123 ~~home parks including but not limited to chapter 723, if~~  
124 ~~applicable.~~

125 Section 4. Section 513.02, Florida Statutes, is amended to  
126 read:

127 513.02 Permits ~~Permit~~.—

128 (1) A person may not establish or maintain a mobile home  
129 park, lodging park, recreational vehicle park, or recreational  
130 camp in this state without first obtaining an operating ~~a~~ permit  
131 from the department. ~~Such permit is not transferable from one~~  
132 ~~place or person to another. Each permit must be renewed~~  
133 ~~annually.~~

134 (2) Prior to commencement of construction of a new park or  
135 camp, or any change to an existing park or camp that requires  
136 construction of new sanitary facilities or additional permitted  
137 sites, a person who operates or maintains such park or camp must  
138 contact the department to receive a construction review and  
139 approval. The items required to be submitted and the process for  
140 issuing a construction review and approval shall be set by  
141 department rule.

142 (3) (a) An operating permit is not transferable from one  
143 place or person to another. Each permit must be renewed  
144 annually.

145 (b) ~~(2)~~ The department may refuse a permit to, or refuse to

3-00224-10

2010354

146 renew the operating permit of, any park or camp that is not  
147 constructed or maintained in accordance with law and with the  
148 rules of the department.

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

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

158 ~~(e)-(5)~~ When a park or camp regulated under this chapter is  
159 sold ~~or its ownership transferred~~, the purchaser transferee must  
160 apply for an operating a permit to the department within 30 days  
161 after ~~before~~ the date of sale transfer. The applicant must  
162 provide the department with a copy of the recorded deed or lease  
163 agreement before the department may issue an operating a permit  
164 to the applicant.

165 Section 5. Section 513.03, Florida Statutes, is amended to  
166 read:

167 513.03 Application for and issuance of permit.—

168 (1) An application for an operating a permit must be made  
169 in writing to the department, ~~on~~ on a form prescribed by the  
170 department. The application must state the location of the  
171 existing or proposed park or camp; ~~the~~ the type of park or camp; ~~the~~  
172 the number of mobile homes or recreational vehicles to be  
173 accommodated; ~~or~~ the number of recreational campsites,  
174 buildings, and sites set aside for group camping, including

3-00224-10

2010354

175 barracks, cabins, cottages, and tent spaces; the type of water  
176 supply;~~;~~ the method of sewage disposal;~~;~~ and any other  
177 information the department requires.

178 (2) If the department is satisfied, after reviewing the  
179 application of the proposed or existing park or camp and causing  
180 an inspection to be made, that the park or camp complies with  
181 this chapter and is so located, constructed, and equipped as not  
182 to be a source of danger to the health of the general public,  
183 the department shall issue the necessary construction approval  
184 or operating permit, in writing, on a form prescribed by the  
185 department.

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

188 513.045 Permit fees.—

189 (1) (a) Each person seeking ~~a permit~~ to establish, operate,  
190 or maintain a mobile home park, lodging park, recreational  
191 vehicle park, or recreational camp must pay to the department  
192 the fees imposed under this section ~~a fee~~, the amount of which  
193 shall be set by rule of the department.

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

197 1. The fee for an annual operating ~~a permit~~ may not be set  
198 at a rate that is more than \$6.50 per space or less than \$3.50  
199 per space. ~~Until rules setting these fees are adopted by the~~  
200 ~~department, the permit fee per space is \$3.50.~~ The annual  
201 operating permit fee for a nonexempt recreational camp shall be  
202 based on an equivalency rate for which two camp occupants equal  
203 one space. The total fee assessed to an applicant for an annual

3-00224-10

2010354

204 operating permit may not be more than \$600 or less than \$50,  
205 except that a fee may be prorated on a quarterly basis. Failure  
206 to pay an annual operating permit fee in a timely manner shall  
207 result in the assessment of late fees by the department.

208 2. A person who seeks department review of plans for a  
209 proposed park or camp may submit such plans to the department  
210 for an assessment of whether such plans meet the requirements of  
211 this chapter and the rules adopted under this chapter. The  
212 department may charge a fee established by rule for review of  
213 such plans, which may not exceed an amount sufficient to cover  
214 the cost to the department of such review.

215 3. A person constructing a new park or camp or adding  
216 spaces or renovating an existing park or camp shall, prior to  
217 such construction, renovation, or addition, submit construction  
218 plans to the department for department review and approval. The  
219 department shall establish by rule a fee for such construction  
220 plan review and approval. Such fee shall include but not exceed  
221 an amount sufficient to cover the costs incurred by the  
222 department for plan review and inspections conducted prior to  
223 the opening of the park.

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

227 Section 7. Section 513.05, Florida Statutes, is amended to  
228 read:

229 513.05 Rules.—The department may adopt rules pertaining to  
230 the location, construction, modification, equipment, and  
231 operation of mobile home parks, lodging parks, recreational  
232 vehicle parks, and recreational camps, except as provided in s.



3-00224-10

2010354

233 633.022, as necessary to administer this chapter. Such rules may  
234 include definitions of terms; requirements for temporary events  
235 at unlicensed locations which may require a temporary operating  
236 permit under this chapter; plan reviews of proposed and existing  
237 parks and camps; plan reviews of parks that consolidate or  
238 expand space or capacity or change space size; water supply;  
239 sewage collection and disposal; plumbing and backflow  
240 prevention; garbage and refuse storage, collection, and  
241 disposal; insect and rodent control; space requirements; heating  
242 facilities; food service; lighting; sanitary facilities;  
243 bedding; an occupancy equivalency to spaces for permits for  
244 recreational camps; sanitary facilities in recreational vehicle  
245 parks; and the owners' responsibilities at recreational vehicle  
246 parks and recreational camps.

247 Section 8. Section 513.051, Florida Statutes, is amended to  
248 read:

249 513.051 Preemption.—The department is the exclusive  
250 regulatory and permitting authority for sanitary and other  
251 standards set forth in ss. 513.01-513.1115 for all mobile home  
252 parks, lodging parks, recreational vehicle parks, and  
253 recreational camps in accordance with the provisions of this  
254 chapter. All regulation of mobile home parks, lodging parks,  
255 recreational vehicle parks, and recreational camps subject to  
256 ss. 513.01-513.1115 is expressly preempted to the state. Every  
257 unit of local government is prohibited from taking any action,  
258 including the enacting of any rule, regulation, or ordinance,  
259 with respect to the matters and things hereby preempted to the  
260 state.

261 Section 9. Section 513.054, Florida Statutes, is amended to

3-00224-10

2010354

262 read:

263 513.054 Penalties for specified offenses by operator.-

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

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

275 Section 10. Section 513.055, Florida Statutes, is amended  
276 to read:

277 513.055 Revocation or suspension of operating permit;  
278 fines; procedure.-

279 (1) (a) The department may suspend or revoke an operating a  
280 permit issued to any person for a mobile home park, lodging  
281 park, recreational vehicle park, or recreational camp upon the  
282 failure of that person to comply with this chapter or the rules  
283 adopted under this chapter.

284 (b) An operating ~~A~~ permit may not be suspended under this  
285 section for a period of more than 12 months. At the end of the  
286 period of suspension, the permittee may apply for reinstatement  
287 or renewal of the operating permit. A person whose operating  
288 permit is revoked may not apply for another operating permit for  
289 that location prior to the date on which the revoked operating  
290 permit would otherwise have expired.

3-00224-10

2010354

291 (2) (a) In lieu of such suspension or revocation of an  
292 operating a permit, the department may impose a fine against a  
293 permittee for the permittee's failure to comply with the  
294 provisions described in paragraph (1) (a) or may place such  
295 licensee on probation. No fine so imposed shall exceed \$500 for  
296 each offense, and all amounts collected in fines shall be  
297 deposited with the Chief Financial Officer to the credit of the  
298 County Health Department Trust Fund.

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

302 1. The gravity of the violation and the extent to which the  
303 provisions of the applicable statutes or rules have been  
304 violated.

305 2. Any action taken by the operator to correct the  
306 violation.

307 3. Any previous violation.

308 Section 11. Subsection (1) of section 513.10, Florida  
309 Statutes, is amended to read:

310 513.10 Operating without permit; enforcement of chapter;  
311 penalties.—

312 (1) Any person who maintains or operates a mobile home  
313 park, lodging park, recreational vehicle park, or recreational  
314 camp without first obtaining an operating a permit as required  
315 by s. 513.02, or who maintains or operates such a park or camp  
316 after revocation of the operating permit, commits ~~is guilty of~~ a  
317 misdemeanor of the second degree, punishable as provided in s.  
318 775.082 or s. 775.083.

319 Section 12. Section 513.111, Florida Statutes, is repealed.

3-00224-10

2010354

320 Section 13. Section 513.1115, Florida Statutes, is created  
321 to read:

322 513.1115 Placement of recreational vehicles on lots in  
323 permitted parks.-

324 (1) Separation distances between recreational vehicles  
325 shall be the distances established at the time of initial  
326 approval of the recreational vehicle park by the department or  
327 as historically applied by the local government. This subsection  
328 does not limit the regulation of the uniform firesafety  
329 standards established under s. 633.022.

330 (2) Setback distances from the exterior property boundary  
331 of the recreational vehicle park shall be in accordance with the  
332 setback distances applicable at the time of the approval by the  
333 department for construction of the recreational vehicle park.

334 Section 14. Subsection (1) of section 513.112, Florida  
335 Statutes, is amended to read:

336 513.112 Maintenance of guest register and copy of laws.-

337 (1) It is the duty of each operator of a recreational  
338 vehicle park that rents to transient guests to maintain at all  
339 times a register, signed by or for guests who occupy rental  
340 sites within the park. The register must show the dates upon  
341 which the rental sites were occupied by such guests and the  
342 rates charged for the guests' occupancy. This register shall be  
343 maintained in chronological order ~~and shall be available for~~  
344 ~~inspection by the department at any time.~~ An operator is not  
345 required to retain a register that is more than 2 years old.

346 Section 15. Section 513.115, Florida Statutes, is amended  
347 to read:

348 513.115 Unclaimed property.-Any property having an

3-00224-10

2010354

349 identifiable owner which is left in a recreational vehicle park  
350 by a guest, including, but not limited to, ~~other than~~ property  
351 belonging to a guest who has vacated the premises without notice  
352 to the operator and with an outstanding account, which property  
353 remains unclaimed after having been held by the park for 90 days  
354 ~~after written notice was provided to the guest or the owner of~~  
355 ~~the property,~~ may be disposed of by ~~becomes the property of the~~  
356 park.

357 Section 16. Subsections (2) and (4) of section 513.13,  
358 Florida Statutes, are amended to read:

359 513.13 Recreational vehicle parks; eviction; grounds;  
360 proceedings.-

361 (2) The operator of any recreational vehicle park shall  
362 notify such guest that the park no longer desires to entertain  
363 the guest and shall request that such guest immediately depart  
364 from the park. Such notice shall be given in writing. If such  
365 guest has paid in advance, the park shall, at the time such  
366 notice is given, tender to the guest the unused portion of the  
367 advance payment. Any guest who remains or attempts to remain in  
368 such park after being requested to leave commits ~~is guilty of~~ a  
369 misdemeanor of the second degree, punishable as provided in s.  
370 775.082 or s. 775.083. If the notice is given in the presence of  
371 a law enforcement officer by posting or personal delivery and  
372 the person fails to depart from the park immediately, the person  
373 commits a misdemeanor of the second degree, punishable as  
374 provided in s. 775.082 or s. 775.083.

375 (4) If any person is illegally on the premises of any  
376 recreational vehicle park, the operator of such park may call  
377 upon any law enforcement officer of this state for assistance.

3-00224-10

2010354\_\_

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

396 Section 17. This act shall take effect July 1, 2010.