

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for an exemption from)	DOCKET NO. 900247-WU
Florida Public Service Commission)	ORDER NO. 23071
regulation by BONITA LAKE RESORT R.V.)	ISSUED: 6-13-90
PARK for a water system in Lee County.)	
)	

ORDER INDICATING THE EXEMPT STATUS
OF BONITA LAKE RESORT R.V. PARK

BY THE COMMISSION:

Bonita Lake Resort R.V. Park (Bonita Lake) is an existing recreational vehicle facility in Lee County. Bonita Lake provides water service solely in connection with service to the guests who stay at the 168 lots in the recreational vehicle facility.

After being contacted by the Division of Water and Sewer, Bonita Lake filed an affidavit dated April 2, 1990, requesting that it be found exempt from this Commission's jurisdiction. According to this affidavit, Bonita Lake provides water service solely to guests of its facility. Bonita Lake seeks an exemption from this Commission's jurisdiction pursuant to Section 367.022(5), Florida Statutes which exempts certain landlords.

Although Bonita Lake seeks an exemption on the basis that it is a landlord, another exemption, that for public lodging establishments pursuant to Section 367.022(4), Florida Statutes, is more applicable in this case. Under that section, public lodging establishments that provide water and/or wastewater service solely in connection with providing service to their guests are exempt from the Commission's regulation.

Section 513.01(6), Florida Statutes, defines a recreational vehicle park as "a place set aside and offered by a person or public body, for either direct or indirect remuneration of the owner, lessor, or operator of such place, for the parking and accommodation of six or more recreational vehicles or tents utilized for sleeping or eating . . ." According to the facts presented here, Bonita Lake comes within this statutory definition. Section 513.012, Florida Statutes, provides that it is the intent of the legislature that

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recreational vehicle parks are "public lodging establishments." Thus, we find that Bonita Lake is a public lodging establishment and exempt from this Commission's regulation pursuant to Section 367.022(4), Florida Statutes. However, should there be any change in circumstances or method of operation, Bonita Lake, or its successor(s) in interest, shall notify the Commission within thirty days of such change so that we may reevaluate its regulatory status.

Upon due consideration of the foregoing, it is

ORDERED by the Florida Public Service Commission that Bonita Lake Resort R.V. Park is exempt from this Commission's regulation under Section 367.022(4), Florida Statutes, as a public lodging establishment providing service solely in connection with service to its guests. It is further

ORDERED that should there be any change in circumstances or method of operation, Bonita Lake Resort R.V. Park, or its successor(s) in interest, shall notify this Commission within thirty (30) days of such change so that we may reevaluate its regulatory status. It is further

ORDERED that Docket No. 900247-WU be and is hereby closed.

By ORDER of the Florida Public Service Commission
this 13th day of JUNE, 1990.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ASD

by: Kay Flynn
Chief, Bureau of Records

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.