

1                   A bill to be entitled  
2           An act relating to recreational vehicle parks;  
3           amending s. 513.012, F.S.; revising legislative  
4           intent; amending s. 513.02, F.S.; providing a  
5           timeframe for the application of a permit; amending s.  
6           513.051, F.S.; preempting to the Department of Health  
7           the regulatory authority for permitting standards;  
8           amending s. 513.112, F.S.; providing that evidence of  
9           a certain length of stay in a guest register creates a  
10          rebuttable presumption that a guest is transient;  
11          amending s. 513.1115, F.S.; providing standards for a  
12          damaged or destroyed recreational vehicle park to be  
13          rebuilt under certain circumstances; superseding  
14          certain local government regulation; amending s.  
15          513.115, F.S.; specifying when certain property  
16          becomes abandoned; providing for disposition of such  
17          property; amending s. 513.118, F.S.; authorizing a  
18          park operator to refuse access to the premises and to  
19          eject transient guests or visitors based on specified  
20          conduct; providing that a person who refuses to leave  
21          the park premises commits the offense of trespass;  
22          providing immunity from liability for certain law  
23          enforcement officers; providing for removal of  
24          property; amending s. 513.13, F.S.; providing for  
25          ejection from a park and specifying grounds and

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26 requirements therefor; providing for removal of  
27 property; providing an effective date.

28

29 Be It Enacted by the Legislature of the State of Florida:

30

31 Section 1. Section 513.012, Florida Statutes, is amended  
32 to read:

33 513.012 Public health laws; enforcement.—It is the intent  
34 of the Legislature that mobile home parks, lodging parks,  
35 recreational vehicle parks, and recreational camps be  
36 exclusively regulated under this chapter. As such, the  
37 department shall administer and enforce, with respect to such  
38 parks and camps, laws and rules relating to sanitation, control  
39 of communicable diseases, illnesses and hazards to health among  
40 humans and from animals to humans, and permitting and  
41 operational matters in order to protect the general health and  
42 well-being of the residents ~~people~~ of and visitors to the state.  
43 However, nothing in this chapter qualifies a mobile home park, a  
44 lodging park, a recreational vehicle park, or a recreational  
45 camp for a liquor license issued under s. 561.20(2)(a)1. Mobile  
46 home parks, lodging parks, recreational vehicle parks, and  
47 recreational camps regulated under this chapter are exempt from  
48 regulation under the provisions of chapter 509.

49 Section 2. Subsection (5) of section 513.02, Florida  
50 Statutes, is amended to read:

51 513.02 Permit.—

52 (5) When a park or camp regulated under this chapter is  
 53 sold or its ownership transferred, the transferee must apply for  
 54 a permit to the department within 60 days after ~~before~~ the date  
 55 of transfer. The applicant must provide the department with a  
 56 copy of the recorded deed or lease agreement before the  
 57 department may issue a permit to the applicant.

58 Section 3. Section 513.051, Florida Statutes, is amended  
 59 to read:

60 513.051 Preemption.—The department is the exclusive  
 61 regulatory and permitting authority for sanitary and permitting  
 62 standards for all mobile home parks, lodging parks, recreational  
 63 vehicle parks, and recreational camps in accordance with the  
 64 provisions of this chapter.

65 Section 4. Subsection (3) is added to section 513.112,  
 66 Florida Statutes, to read:

67 513.112 Maintenance of guest register and copy of laws.—

68 (3) When a guest occupies a recreational vehicle in a  
 69 recreational vehicle park for less than 6 months, as evidenced  
 70 by the length of stay shown in the guest register, there is a  
 71 rebuttable presumption that the occupancy is transient.

72 Section 5. Subsection (3) of section 513.1115, Florida  
 73 Statutes, is renumbered as subsection (4) and amended, and a new  
 74 subsection (3) is added to that section, to read:

75 513.1115 Placement of recreational vehicles on lots in

76 | permitted parks.-

77 |       (3) If a recreational vehicle park is damaged or destroyed  
 78 | as a result of wind, water, or other natural disaster, the park  
 79 | may be rebuilt on the same site using the same density standards  
 80 | that were approved or permitted before the park was damaged or  
 81 | destroyed.

82 |       (4)~~(3)~~ This section does not limit the regulation of the  
 83 | uniform firesafety standards established under s. 633.206.  
 84 | However, this section shall supersede any other local government  
 85 | law or regulation regarding the lot size, lot density, or  
 86 | separation or setback distance of a recreational vehicle park  
 87 | which goes into effect after the initial permitting and  
 88 | construction of the park.

89 |       Section 6. Section 513.115, Florida Statutes, is amended  
 90 | to read:

91 |       513.115 Unclaimed property.-Any property having an  
 92 | identifiable owner which ~~is left in a recreational vehicle park~~  
 93 | ~~by a guest, other than property belonging to a guest who has~~  
 94 | ~~vacated the premises without notice to the operator and with an~~  
 95 | ~~outstanding account, which property remains unclaimed after~~  
 96 | having been held by a ~~the~~ park for 90 days after written notice  
 97 | was provided to the guest or the owner of the property,  ~~becomes~~  
 98 | the property of the park. Any property that is left by a guest  
 99 | who has vacated the premises without notice to the operator and  
 100 | who has an outstanding account is considered abandoned property,

101 and disposition thereof shall be governed by the Disposition of  
102 Personal Property Landlord and Tenant Act under s. 715.10.

103 Section 7. Section 513.118, Florida Statutes, is amended  
104 to read:

105 513.118 Conduct on premises; refusal of service.—

106 (1) The operator of a recreational vehicle park may refuse  
107 to provide accommodations, ~~or~~ service, or access to the premises  
108 to any transient guest or visitor ~~person~~ whose conduct on the  
109 premises of the park displays intoxication, profanity, lewdness,  
110 or brawling; who indulges in such language or conduct as to  
111 disturb the peace, quiet enjoyment, or comfort of other guests;  
112 who engages in illegal or disorderly conduct; or whose conduct  
113 constitutes a nuisance or safety hazard.

114 (2) The operator of a recreational vehicle park may  
115 request that a transient guest or visitor who violates  
116 subsection (1) leave the premises immediately. A person who  
117 refuses to leave the premises commits the offense of trespass as  
118 provided in s. 810.08 and the operator may call a law  
119 enforcement officer to have the person and his or her property  
120 removed under the supervision of the officer. A law enforcement  
121 officer is not liable for any claim involving the removal of the  
122 person or property from the recreational vehicle park under this  
123 section. If conditions do not allow for immediate removal of the  
124 person's property, he or she may arrange a reasonable time, not  
125 to exceed 48 hours, with the operator to come remove the

126 property, accompanied by a law enforcement officer.

127 (3) Such refusal of accommodations, ~~or~~ service, or access  
128 to the premises may ~~shall~~ not be based upon race, color,  
129 national origin, sex, physical disability, or creed.

130 Section 8. Section 513.13, Florida Statutes, is amended to  
131 read:

132 513.13 Recreational vehicle parks; ejection ~~eviction~~;  
133 grounds; proceedings.-

134 (1) The operator of any recreational vehicle park may  
135 remove or cause to be removed from such park, in the manner  
136 provided in this section, any transient guest of the park who,  
137 while on the premises of the park, illegally possesses or deals  
138 in a controlled substance as defined in chapter 893; who ~~or~~  
139 disturbs the peace, quiet enjoyment, and comfort of other  
140 persons; who causes harm to the physical park; who violates the  
141 posted park rules and regulations; or who fails to make payment  
142 of rent at the rental rate agreed upon and by the time agreed  
143 upon. The admission of a person to, or the removal of a person  
144 from, any recreational vehicle park may ~~shall~~ not be based upon  
145 race, color, national origin, sex, physical disability, or  
146 creed.

147 (2) The operator of any recreational vehicle park shall  
148 notify such guest that the park no longer desires to entertain  
149 the guest and shall request that such guest immediately depart  
150 from the park. Such notice shall be given in writing, as

151 follows: "You are hereby notified that this recreational vehicle  
152 park no longer desires to entertain you as its guest, and you  
153 are requested to leave at once. To remain after receipt of this  
154 notice is a misdemeanor under the laws of this state." If such  
155 guest has paid in advance, the park shall, at the time such  
156 notice is given, tender to the guest the unused portion of the  
157 advance payment. Any guest who remains or attempts to remain in  
158 such park after being requested to leave commits ~~is guilty of a~~  
159 misdemeanor of the second degree, punishable as provided in s.  
160 775.082 or s. 775.083.

161 (3) If a guest has accumulated an outstanding account in  
162 excess of an amount equivalent to 3 ~~three~~ nights' rent at a  
163 recreational vehicle park, the operator may disconnect all  
164 utilities of the recreational vehicle and notify the guest that  
165 the action is for the purpose of requiring the guest to confront  
166 the operator or permittee and arrange for the payment of the  
167 guest's account. Such arrangement must be in writing, and a copy  
168 shall be furnished to the guest. Upon entering into such  
169 agreement, the operator shall reconnect the utilities of the  
170 recreational vehicle.

171 (4) If any person is illegally on the premises of any  
172 recreational vehicle park, the operator of such park may call  
173 upon any law enforcement officer of this state for assistance.  
174 It is the duty of such law enforcement officer, upon the request  
175 of such operator, to remove from the premises or place under

176 | ~~arrest and take into custody for violation of this section any~~  
177 | ~~guest who, according to the park operator, violated~~ violates  
178 | ~~subsection (1) or subsection (2) in the presence of the officer.~~  
179 | If a warrant has been issued by the proper judicial officer for  
180 | the arrest of any guest who violates ~~violation of~~ subsection (1)  
181 | or subsection (2), the officer shall serve the warrant, arrest  
182 | the guest ~~person~~, and take the guest ~~person~~ into custody. Upon  
183 | removal or arrest, with or without warrant, the guest is deemed  
184 | to have abandoned or given up any right to occupancy ~~or to have~~  
185 | ~~abandoned the guest's right to occupancy~~ of the premises of the  
186 | recreational vehicle park; and the operator of the park shall  
187 | employ all reasonable and proper means to care for any personal  
188 | property left on the premises by such guest and shall refund any  
189 | unused portion of moneys paid by such guest for the occupancy of  
190 | such premises. If conditions do not allow for immediate removal  
191 | of the guest's property, he or she may arrange a reasonable  
192 | time, not to exceed 48 hours, with the operator to come remove  
193 | the property, accompanied by a law enforcement officer.

194 |       (5) In addition to the grounds for ejection ~~eviction~~  
195 | established by law, grounds for ejection ~~eviction~~ may be  
196 | established in a written lease agreement between a recreational  
197 | vehicle park operator or permittee and a recreational vehicle  
198 | park occupant.

199 |       Section 9. This act shall take effect July 1, 2020.