

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 ordinances or regulations; 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 an exception;
24 providing for removal of property; amending s. 513.13,
25 F.S.; providing for ejection from a park and

26 specifying grounds and requirements therefor;
27 providing for removal of property; providing an
28 effective date.

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

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

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

50 Section 2. Subsection (5) of section 513.02, Florida

51 Statutes, is amended to read:

52 513.02 Permit.—

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

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

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

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

68 513.112 Maintenance of guest register and copy of laws.—

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

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

76 513.1115 Placement of recreational vehicles on lots in
77 permitted parks.—

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

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

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

92 513.115 Unclaimed property.—Any property having an
93 identifiable owner which ~~is left in a recreational vehicle park~~
94 ~~by a guest, other than property belonging to a guest who has~~
95 ~~vacated the premises without notice to the operator and with an~~
96 ~~outstanding account, which property~~ remains unclaimed after
97 having been held by a ~~the~~ park for 90 days after written notice
98 was provided to the guest or the owner of the property, ~~7~~ becomes
99 the property of the park. Any property that is left by a guest
100 who has vacated the premises without notice to the operator and

101 who has an outstanding account is considered abandoned property,
102 and disposition thereof shall be governed by the Disposition of
103 Personal Property Landlord and Tenant Act under s. 715.10.

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

106 513.118 Conduct on premises; refusal of service.—

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

115 (2) The operator of a recreational vehicle park may
116 request that a transient guest or visitor who violates
117 subsection (1) leave the premises immediately. A person who
118 refuses to leave the premises commits the offense of trespass as
119 provided in s. 810.08 and the operator may call a law
120 enforcement officer to have the person and his or her property
121 removed under the supervision of the officer. A law enforcement
122 officer is not liable for any claim involving the removal of the
123 person or property from the recreational vehicle park under this
124 section, except as provided in s. 768.28. If conditions do not
125 allow for immediate removal of the person's property, he or she

126 | may arrange a reasonable time, not to exceed 48 hours, with the
 127 | operator to come remove the property, accompanied by a law
 128 | enforcement officer.

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

132 | Section 8. Section 513.13, Florida Statutes, is amended to
 133 | read:

134 | 513.13 Recreational vehicle parks; ejection ~~eviction~~;
 135 | grounds; proceedings.—

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

149 | (2) The operator of any recreational vehicle park shall
 150 | notify such guest that the park no longer desires to entertain

151 the guest and shall request that such guest immediately depart
152 from the park. Such notice shall be given in writing, as
153 follows: "You are hereby notified that this recreational vehicle
154 park no longer desires to entertain you as its guest, and you
155 are requested to leave at once. To remain after receipt of this
156 notice is a misdemeanor under the laws of this state." If such
157 guest has paid in advance, the park shall, at the time such
158 notice is given, tender to the guest the unused portion of the
159 advance payment. Any guest who remains or attempts to remain in
160 such park after being requested to leave commits ~~is guilty of~~ a
161 misdemeanor of the second degree, punishable as provided in s.
162 775.082 or s. 775.083.

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

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

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

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

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2020

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