

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Commerce Committee
 2 Representative Fetterhoff offered the following:

Amendment (with title amendment)

Between lines 19 and 20, insert:

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

513.012 Public health laws; enforcement.—It is the intent of the Legislature that mobile home parks, lodging parks, recreational vehicle parks, and recreational camps be exclusively regulated under this chapter. As such, the department shall administer and enforce, with respect to such parks and camps, laws and rules relating to sanitation, control of communicable diseases, illnesses and hazards to health among humans and from animals to humans, and permitting and operational matters in order to protect the general health and

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17 well-being of the residents ~~people~~ of and visitors to the state.
18 However, nothing in this chapter qualifies a mobile home park, a
19 lodging park, a recreational vehicle park, or a recreational
20 camp for a liquor license issued under s. 561.20(2)(a)1. Mobile
21 home parks, lodging parks, recreational vehicle parks, and
22 recreational camps regulated under this chapter are exempt from
23 regulation under the provisions of chapter 509.

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

26 513.02 Permit.—

27 (5) When a park or camp regulated under this chapter is
28 sold or its ownership transferred, the transferee must apply for
29 a permit to the department within 60 days after ~~before~~ the date
30 of transfer. The applicant must provide the department with a
31 copy of the recorded deed or lease agreement before the
32 department may issue a permit to the applicant.

33 Section 3. Section 513.051, Florida Statutes, is amended
34 to read:

35 513.051 Preemption.—The department is the exclusive
36 regulatory and permitting authority for sanitary and permitting
37 standards for all mobile home parks, lodging parks, recreational
38 vehicle parks, and recreational camps in accordance with ~~the~~
39 ~~provisions of~~ this chapter.

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

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42 513.112 Maintenance of guest register and copy of laws.—

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

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

50 513.1115 Placement of recreational vehicles on lots in
51 permitted parks.—

52 (3) If a recreational vehicle park is damaged or destroyed
53 as a result of wind, water, or other natural disaster, the park
54 may be rebuilt on the same site using the same density standards
55 that were approved and permitted before the park was damaged or
56 destroyed.

57 (4) ~~(3)~~ This section does not limit the regulation of the
58 uniform firesafety standards established under s. 633.206.
59 However, this section shall supersede any other county,
60 municipality, or special district ordinance or regulation
61 regarding the lot size, lot density, or separation or setback
62 distance of a recreational vehicle park which goes into effect
63 after the initial permitting and construction of the park.

64 Section 6. Section 513.115, Florida Statutes, is amended
65 to read:

66 513.115 Unclaimed property.—Any property having an

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67 identifiable owner which ~~is left in a recreational vehicle park~~
68 ~~by a guest, other than property belonging to a guest who has~~
69 ~~vacated the premises without notice to the operator and with an~~
70 ~~outstanding account, which property~~ remains unclaimed after
71 having been held by a ~~the~~ park for 90 days after written notice
72 was provided to the guest or the owner of the property, ~~7~~ becomes
73 the property of the park. Any property that is left by a guest
74 who has vacated the premises without notice to the operator and
75 who has an outstanding account is considered abandoned property,
76 and disposition thereof shall be governed by the Disposition of
77 Personal Property Landlord and Tenant Act under s. 715.10 or
78 under 705.185, as applicable.

79 Section 7. Section 513.118, Florida Statutes, is amended
80 to read:

81 513.118 Conduct on premises; refusal of service.—

82 (1) The operator of a recreational vehicle park may refuse
83 to provide accommodations, ~~or~~ service, or access to the premises
84 to any transient guest or visitor ~~person~~ whose conduct on the
85 premises of the park displays intoxication, profanity, lewdness,
86 or brawling; who indulges in such language or conduct as to
87 disturb the peace, quiet enjoyment, or comfort of other guests;
88 who engages in illegal or disorderly conduct; or whose conduct
89 constitutes a nuisance or safety hazard.

90 (2) The operator of a recreational vehicle park may
91 request that a transient guest or visitor who violates

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92 subsection (1) leave the premises immediately. A person who
93 refuses to leave the premises commits the offense of trespass as
94 provided in s. 810.08 and the operator may call a law
95 enforcement officer to have the person and his or her property
96 removed under the supervision of the officer. A law enforcement
97 officer is not liable for any claim involving the removal of the
98 person or property from the recreational vehicle park under this
99 section, except as provided in s. 768.28. If conditions do not
100 allow for immediate removal of the person's property, he or she
101 may arrange a reasonable time, not to exceed 48 hours, with the
102 operator to come remove the property, accompanied by a law
103 enforcement officer.

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

107 Section 8. Section 513.13, Florida Statutes, is amended to
108 read:

109 513.13 Recreational vehicle parks; ejection ~~eviction~~;
110 grounds; proceedings.-

111 (1) The operator of any recreational vehicle park may
112 remove or cause to be removed from such park, in the manner
113 provided in this section, any transient guest of the park who,
114 while on the premises of the park, illegally possesses or deals
115 in a controlled substance as defined in chapter 893; who ~~or~~
116 disturbs the peace, quiet enjoyment, and comfort of other

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117 persons; who causes harm to the physical park; who violates the
118 posted park rules and regulations; or who fails to make payment
119 of rent at the rental rate agreed upon and by the time agreed
120 upon. The admission of a person to, or the removal of a person
121 from, any recreational vehicle park may ~~shall~~ not be based upon
122 race, color, national origin, sex, physical disability, or
123 creed.

124 (2) The operator of any recreational vehicle park shall
125 notify such guest that the park no longer desires to entertain
126 the guest and shall request that such guest immediately depart
127 from the park. Such notice shall be given in writing, as
128 follows: "You are hereby notified that this recreational vehicle
129 park no longer desires to entertain you as its guest, and you
130 are requested to leave at once. To remain after receipt of this
131 notice is a misdemeanor under the laws of this state." If such
132 guest has paid in advance, the park shall, at the time such
133 notice is given, tender to the guest the unused portion of the
134 advance payment. Any guest who remains or attempts to remain in
135 such park after being requested to leave commits ~~is guilty of~~ a
136 misdemeanor of the second degree, punishable as provided in s.
137 775.082 or s. 775.083.

138 (3) If a guest has accumulated an outstanding account in
139 excess of an amount equivalent to 3 ~~three~~ nights' rent at a
140 recreational vehicle park, the operator may disconnect all
141 utilities of the recreational vehicle and notify the guest that

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142 the action is for the purpose of requiring the guest to confront
143 the operator or permittee and arrange for the payment of the
144 guest's account. Such arrangement must be in writing, and a copy
145 shall be furnished to the guest. Upon entering into such
146 agreement, the operator shall reconnect the utilities of the
147 recreational vehicle.

148 (4) If any person is illegally on the premises of any
149 recreational vehicle park, the operator of such park may call
150 upon any law enforcement officer of this state for assistance.
151 It is the duty of such law enforcement officer, upon the request
152 of such operator, to remove from the premises or place under
153 ~~arrest and take into custody for violation of this section~~ any
154 guest who, according to the park operator, violated ~~violates~~
155 subsection (1) or subsection (2) ~~in the presence of the officer~~.
156 If a warrant has been issued by the proper judicial officer for
157 the arrest of any guest who violates ~~violation of~~ subsection (1)
158 or subsection (2), the officer shall serve the warrant, arrest
159 the guest ~~person~~, and take the guest ~~person~~ into custody. Upon
160 removal or arrest, with or without warrant, the guest is deemed
161 to have abandoned or given up any right to occupancy ~~or to have~~
162 ~~abandoned the guest's right to occupancy~~ of the premises of the
163 recreational vehicle park; and the operator of the park shall
164 employ all reasonable and proper means to care for any personal
165 property left on the premises by such guest and shall refund any
166 unused portion of moneys paid by such guest for the occupancy of

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Published On: 2/12/2020 4:59:55 PM

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167 such premises. If conditions do not allow for immediate removal
168 of the guest's property, he or she may arrange a reasonable
169 time, not to exceed 48 hours, with the operator to come remove
170 the property, accompanied by a law enforcement officer.

171 (5) In addition to the grounds for ejection ~~eviction~~
172 established by law, grounds for ejection ~~eviction~~ may be
173 established in a written lease agreement between a recreational
174 vehicle park operator or permittee and a recreational vehicle
175 park occupant.

176 -----
177
178 **T I T L E A M E N D M E N T**

179 Remove line 2 and insert:

180 An act relating to recreational vehicle industries; amending s.
181 513.012, F.S.; revising legislative intent; amending s. 513.02,
182 F.S.; providing a timeframe for the application of a permit;
183 amending s. 513.051, F.S.; preempting to the Department of
184 Health the regulatory authority for permitting standards;
185 amending s. 513.112, F.S.; providing that evidence of a certain
186 length of stay in a guest register creates a rebuttable
187 presumption that a guest is transient; amending s. 513.1115,
188 F.S.; providing standards for a damaged or destroyed
189 recreational vehicle park to be rebuilt under certain
190 circumstances; superseding certain ordinances or regulations;
191 amending s. 513.115, F.S.; specifying when certain property

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Bill No. CS/HB 343 (2020)

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192 becomes abandoned; providing for disposition of such property;
193 amending s. 513.118, F.S.; authorizing a park operator to refuse
194 access to the premises and to eject transient guests or visitors
195 based on specified conduct; providing that a person who refuses
196 to leave the park premises commits the offense of trespass;
197 providing immunity from liability for certain law enforcement
198 officers; providing an exception; providing for removal of
199 property; amending s. 513.13, F.S.; providing for ejection from
200 a park and specifying grounds and requirements therefor;
201 providing for removal of property; amending s.