

1                   A bill to be entitled  
2           An act relating to recreational vehicle industries;  
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 recreational

26 | vehicle park and specifying grounds and requirements  
 27 | therefor; providing for removal of property; amending  
 28 | s. 527.01, F.S.; defining the term "recreational  
 29 | vehicle"; amending s. 527.0201, F.S.; requiring the  
 30 | Department of Agriculture and Consumer Services to  
 31 | adopt rules specifying requirements for agents to  
 32 | administer certain competency examinations and  
 33 | establishing a competency examination for a license to  
 34 | engage in activities solely related to the service and  
 35 | repair of recreational vehicles; authorizing certain  
 36 | qualifiers and master qualifiers to engage in  
 37 | activities solely related to the service and repair of  
 38 | recreational vehicles; requiring verifiable LP gas  
 39 | experience or professional certification by an LP gas  
 40 | manufacturer in order to apply for certification as a  
 41 | master qualifier; providing an effective date.

42 |  
 43 | Be It Enacted by the Legislature of the State of Florida:

44 |  
 45 | Section 1. Section 513.012, Florida Statutes, is amended  
 46 | to read:

47 | 513.012 Public health laws; enforcement.—It is the intent  
 48 | of the Legislature that mobile home parks, lodging parks,  
 49 | recreational vehicle parks, and recreational camps be  
 50 | exclusively regulated under this chapter. As such, the

51 department shall administer and enforce, with respect to such  
52 parks and camps, laws and rules relating to sanitation, control  
53 of communicable diseases, illnesses and hazards to health among  
54 humans and from animals to humans, and permitting and  
55 operational matters in order to protect the general health and  
56 well-being of the residents ~~people~~ of and visitors to the state.  
57 However, nothing in this chapter qualifies a mobile home park, a  
58 lodging park, a recreational vehicle park, or a recreational  
59 camp for a liquor license issued under s. 561.20(2)(a)1. Mobile  
60 home parks, lodging parks, recreational vehicle parks, and  
61 recreational camps regulated under this chapter are exempt from  
62 regulation under ~~the provisions of~~ chapter 509.

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

65 513.02 Permit.—

66 (5) When a park or camp regulated under this chapter is  
67 sold or its ownership transferred, the transferee must apply for  
68 a permit to the department within 60 days after ~~before~~ the date  
69 of transfer. The applicant must provide the department with a  
70 copy of the recorded deed or lease agreement before the  
71 department may issue a permit to the applicant.

72 Section 3. Section 513.051, Florida Statutes, is amended  
73 to read:

74 513.051 Preemption.—The department is the exclusive  
75 regulatory and permitting authority for sanitary and permitting

76 standards for all mobile home parks, lodging parks, recreational  
 77 vehicle parks, and recreational camps in accordance with ~~the~~  
 78 ~~provisions of~~ this chapter.

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

81 513.112 Maintenance of guest register and copy of laws.—

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

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

89 513.1115 Placement of recreational vehicles on lots in  
 90 permitted parks.—

91 (3) If a recreational vehicle park is damaged or destroyed  
 92 as a result of wind, water, or other natural disaster, the park  
 93 may be rebuilt on the same site using the same density standards  
 94 that were approved and permitted before the park was damaged or  
 95 destroyed.

96 (4) ~~(3)~~ This section does not limit the regulation of the  
 97 uniform firesafety standards established under s. 633.206.  
 98 However, this section supersedes any county, municipality, or  
 99 special district ordinance or regulation regarding the lot size,  
 100 lot density, or separation or setback distance of a recreational

101 vehicle park which goes into effect after the initial permitting  
 102 and construction of the park.

103 Section 6. Section 513.115, Florida Statutes, is amended  
 104 to read:

105 513.115 Unclaimed property.—Any property having an  
 106 identifiable owner which ~~is left in a recreational vehicle park~~  
 107 ~~by a guest, other than property belonging to a guest who has~~  
 108 ~~vacated the premises without notice to the operator and with an~~  
 109 ~~outstanding account, which property~~ remains unclaimed after  
 110 having been held by the park for 90 days after written notice  
 111 was provided to the guest or the owner of the property, ~~7~~ becomes  
 112 the property of the park. Any property that is left by a guest  
 113 who has vacated the premises without notice to the operator and  
 114 who has an outstanding account is considered abandoned property,  
 115 and disposition thereof shall be governed by the Disposition of  
 116 Personal Property Landlord and Tenant Act under s. 715.10 or  
 117 under s. 705.185, as applicable.

118 Section 7. Section 513.118, Florida Statutes, is amended  
 119 to read:

120 513.118 Conduct on premises; refusal of service.—  
 121 (1) The operator of a recreational vehicle park may refuse  
 122 to provide accommodations, ~~or~~ service, or access to the premises  
 123 to any transient guest or visitor ~~person~~ whose conduct on the  
 124 premises of the park displays intoxication, profanity, lewdness,  
 125 or brawling; who indulges in such language or conduct as to

126 | disturb the peace, quiet enjoyment, or comfort of other guests;  
 127 | who engages in illegal or disorderly conduct; or whose conduct  
 128 | constitutes a nuisance or safety hazard.

129 |       (2) The operator of a recreational vehicle park may  
 130 | request that a transient guest or visitor who violates  
 131 | subsection (1) leave the premises immediately. A person who  
 132 | refuses to leave the premises commits the offense of trespass as  
 133 | provided in s. 810.08 and the operator may call a law  
 134 | enforcement officer to have the person and his or her property  
 135 | removed under the supervision of the officer. A law enforcement  
 136 | officer is not liable for any claim involving the removal of the  
 137 | person or property from the recreational vehicle park under this  
 138 | section, except as provided in s. 768.28. If conditions do not  
 139 | allow for immediate removal of the person's property, he or she  
 140 | may arrange a reasonable time, not to exceed 48 hours, with the  
 141 | operator to come remove the property, accompanied by a law  
 142 | enforcement officer.

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

146 |       Section 8. Section 513.13, Florida Statutes, is amended to  
 147 | read:

148 |       513.13 Recreational vehicle parks; ejection ~~eviction~~;  
 149 | grounds; proceedings.—

150 |       (1) The operator of any recreational vehicle park may

151 remove or cause to be removed from such park, in the manner  
 152 provided in this section, any transient guest of the park who,  
 153 while on the premises of the park, illegally possesses or deals  
 154 in a controlled substance as defined in chapter 893; who ~~or~~  
 155 disturbs the peace, quiet enjoyment, and comfort of other  
 156 persons; who causes harm to the physical park; who violates the  
 157 posted park rules and regulations; or who fails to make payment  
 158 of rent at the rental rate agreed upon and by the time agreed  
 159 upon. The admission of a person to, or the removal of a person  
 160 from, any recreational vehicle park may ~~shall~~ not be based upon  
 161 race, color, national origin, sex, physical disability, or  
 162 creed.

163 (2) The operator of any recreational vehicle park shall  
 164 notify such guest that the park no longer desires to entertain  
 165 the guest and shall request that such guest immediately depart  
 166 from the park. Such notice shall be given in writing, as  
 167 follows: "You are hereby notified that this recreational vehicle  
 168 park no longer desires to entertain you as its guest, and you  
 169 are requested to leave at once. To remain after receipt of this  
 170 notice is a misdemeanor under the laws of this state." If such  
 171 guest has paid in advance, the park shall, at the time such  
 172 notice is given, tender to the guest the unused portion of the  
 173 advance payment. Any guest who remains or attempts to remain in  
 174 such park after being requested to leave commits ~~is guilty of a~~  
 175 misdemeanor of the second degree, punishable as provided in s.

176 775.082 or s. 775.083.

177 (3) If a guest has accumulated an outstanding account in  
178 excess of an amount equivalent to 3 ~~three~~ nights' rent at a  
179 recreational vehicle park, the operator may disconnect all  
180 utilities of the recreational vehicle and notify the guest that  
181 the action is for the purpose of requiring the guest to confront  
182 the operator or permittee and arrange for the payment of the  
183 guest's account. Such arrangement must be in writing, and a copy  
184 shall be furnished to the guest. Upon entering into such  
185 agreement, the operator shall reconnect the utilities of the  
186 recreational vehicle.

187 (4) If any person is illegally on the premises of any  
188 recreational vehicle park, the operator of such park may call  
189 upon any law enforcement officer of this state for assistance.  
190 It is the duty of such law enforcement officer, upon the request  
191 of such operator, to remove from the premises or place under  
192 ~~arrest and take into custody for violation of this section~~ any  
193 guest who, according to the park operator, violated ~~violates~~  
194 subsection (1) or subsection (2) ~~in the presence of the officer~~.  
195 If a warrant has been issued by the proper judicial officer for  
196 the arrest of any guest who violates ~~violator of~~ subsection (1)  
197 or subsection (2), the officer shall serve the warrant, arrest  
198 the guest ~~person~~, and take the guest ~~person~~ into custody. Upon  
199 removal or arrest, with or without warrant, the guest is deemed  
200 to have abandoned or given up any right to occupancy ~~or to have~~



201 ~~abandoned the guest's right to occupancy~~ of the premises of the  
202 recreational vehicle park; and the operator of the park shall  
203 employ all reasonable and proper means to care for any personal  
204 property left on the premises by such guest and shall refund any  
205 unused portion of moneys paid by such guest for the occupancy of  
206 such premises. If conditions do not allow for immediate removal  
207 of the guest's property, he or she may arrange a reasonable  
208 time, not to exceed 48 hours, with the operator to come remove  
209 the property, accompanied by a law enforcement officer.

210 (5) In addition to the grounds for ejection ~~eviction~~  
211 established by law, grounds for ejection ~~eviction~~ may be  
212 established in a written lease agreement between a recreational  
213 vehicle park operator or permittee and a recreational vehicle  
214 park guest ~~occupant~~.

215 Section 9. Subsection (18) is added to section 527.01,  
216 Florida Statutes, to read:

217 527.01 Definitions.—As used in this chapter:

218 (18) "Recreational vehicle" means a motor vehicle that is  
219 designed to provide temporary living quarters for recreational,  
220 camping, or travel use and that has its own propulsion or is  
221 mounted on or towed by another motor vehicle.

222 Section 10. Subsection (1) and paragraph (a) of subsection  
223 (5) of section 527.0201, Florida Statutes, are amended to read:

224 527.0201 Qualifiers; master qualifiers; examinations.—

225 (1) In addition to the requirements of s. 527.02, a ~~any~~

226 person applying for a license to engage in category I, category  
227 II, or category V activities must prove competency by passing a  
228 written examination administered by the department or its agent  
229 with a grade of 70 percent or above in each area tested. Each  
230 applicant for examination shall submit a \$20 nonrefundable fee.

231 (a) The department shall by rule specify the general areas  
232 of competency to be covered by each examination and the relative  
233 weight to be assigned in grading each area tested.

234 (b) The department shall by rule specify the requirements  
235 for agents qualified to administer the written competency  
236 examinations required by this part.

237 (c)1. The department shall by rule establish a separate  
238 written competency examination for a person applying for a  
239 license to engage in category I activities solely related to the  
240 service and repair of recreational vehicles. The category I  
241 recreational vehicle dealer/installer examination must include  
242 and ensure competency in the following activities as they relate  
243 to recreational vehicles:

244 a. Operating a liquefied petroleum gas dispensing unit to  
245 serve liquid product to a consumer for industrial, commercial,  
246 or domestic use;

247 b. Selling or offering to sell, or leasing or offering to  
248 lease, apparatus, appliances, and equipment for the use of  
249 liquefied petroleum gas; and

250 c. Installing, servicing, or repairing recreational

251 vehicle liquefied petroleum gas appliances and equipment.

252 2. A qualifier or master qualifier who has passed the  
253 category I recreational vehicle dealer/installer examination may  
254 engage in category I activities solely related to the service  
255 and repair of recreational vehicles.

256 (5) In addition to all other licensing requirements, each  
257 category I and category V licensee must, at the time of  
258 application for licensure, identify to the department one master  
259 qualifier who is a full-time employee at the licensed location.  
260 This person shall be a manager, owner, or otherwise primarily  
261 responsible for overseeing the operations of the licensed  
262 location and must provide documentation to the department as  
263 provided by rule. The master qualifier requirement shall be in  
264 addition to the requirements of subsection (1).

265 (a) In order to apply for certification as a master  
266 qualifier, each applicant must have ~~been a registered qualifier~~  
267 ~~for~~ a minimum of 3 years of verifiable LP gas experience or hold  
268 a professional certification by an LP gas manufacturer as  
269 adopted by department rule immediately preceding submission of  
270 the application, must be employed by a licensed category I or  
271 category V licensee, or an applicant for such license, and must  
272 pass a master qualifier competency examination administered by  
273 the department or its agent. Master qualifier examinations shall  
274 be based on Florida's laws, rules, and adopted codes governing  
275 liquefied petroleum gas safety, general industry safety

276 standards, and administrative procedures. The applicant must  
277 successfully pass the examination with a grade of 70 percent or  
278 above. Each applicant for master qualifier registration must  
279 submit to the department a nonrefundable \$30 examination fee  
280 before the examination.

281 Section 11. This act shall take effect July 1, 2020.