

**By** the Committees on Health Policy; and Community Affairs; and  
Senators Hutson, Perry, and Flores

588-03457-20

2020772c2

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

588-03457-20

2020772c2

30 property; amending s. 514.0115, F.S.; providing that  
31 certain surf pools are exempt from supervision under  
32 certain circumstances; providing construction;  
33 defining the term "surf pool"; amending s. 553.77,  
34 F.S.; conforming a cross-reference; providing an  
35 effective date.

36  
37 Be It Enacted by the Legislature of the State of Florida:

38  
39 Section 1. Section 513.012, Florida Statutes, is amended to  
40 read:

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

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

588-03457-20

2020772c2

59 513.02 Permit.—

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

66 Section 3. Section 513.051, Florida Statutes, is amended to  
67 read:

68 513.051 Preemption.—The department is the exclusive  
69 regulatory and permitting authority for sanitary and permitting  
70 standards for all mobile home parks, lodging parks, recreational  
71 vehicle parks, and recreational camps in accordance with the  
72 provisions of this chapter.

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

75 513.112 Maintenance of guest register and copy of laws.—

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

80 Section 5. Present subsection (3) of section 513.1115,  
81 Florida Statutes, is redesignated as subsection (4) and amended,  
82 and a new subsection (3) is added to that section, to read:

83 513.1115 Placement of recreational vehicles on lots in  
84 permitted parks.—

85 (3) If a recreational vehicle park is damaged or destroyed  
86 as a result of wind, water, or other natural disaster, the park  
87 may be rebuilt on the same site using the same density standards

588-03457-20

2020772c2

88 that were approved or permitted before the park was damaged or  
89 destroyed.

90 (4)(3) This section does not limit the regulation of the  
91 uniform firesafety standards established under s. 633.206.  
92 However, this section shall supersede any other local government  
93 law or regulation regarding the lot size, lot density, or  
94 separation or setback distance of a recreational vehicle park  
95 which goes into effect after the initial permitting and  
96 construction of the park.

97 Section 6. Section 513.115, Florida Statutes, is amended to  
98 read:

99 513.115 Unclaimed property.—Any property having an  
100 identifiable owner which ~~is left in a recreational vehicle park~~  
101 ~~by a guest, other than property belonging to a guest who has~~  
102 ~~vacated the premises without notice to the operator and with an~~  
103 ~~outstanding account, which property~~ remains unclaimed after  
104 having been held by a ~~the~~ park for 90 days after written notice  
105 was provided to the guest or the owner of the property, ~~7~~ becomes  
106 the property of the park. Any property that is left by a guest  
107 who has vacated the premises without notice to the operator and  
108 who has an outstanding account is considered abandoned property,  
109 and disposition thereof shall be governed by the Disposition of  
110 Personal Property Landlord and Tenant Act under s. 715.10 or  
111 under s. 705.185, as applicable.

112 Section 7. Section 513.118, Florida Statutes, is amended to  
113 read:

114 513.118 Conduct on premises; refusal of service.—

115 (1) The operator of a recreational vehicle park may refuse  
116 to provide accommodations, ~~or~~ service, or access to the premises

588-03457-20

2020772c2

117 to any transient guest or visitor ~~person~~ whose conduct on the  
118 premises of the park displays intoxication, profanity, lewdness,  
119 or brawling; who indulges in such language or conduct as to  
120 disturb the peace, quiet enjoyment, or comfort of other guests;  
121 who engages in illegal or disorderly conduct; or whose conduct  
122 constitutes a nuisance or safety hazard.

123 (2) The operator of a recreational vehicle park may request  
124 that a transient guest or visitor who violates subsection (1)  
125 leave the premises immediately. A person who refuses to leave  
126 the premises commits the offense of trespass as provided in s.  
127 810.08, and the operator may call a law enforcement officer to  
128 have the person and his or her property removed under the  
129 supervision of the officer. A law enforcement officer is not  
130 liable for any claim involving the removal of the person or  
131 property from the recreational vehicle park under this section,  
132 except as provided under s. 768.28. If conditions do not allow  
133 for immediate removal of the person's property, he or she may  
134 arrange a reasonable time, not to exceed 48 hours, with the  
135 operator to come remove the property, accompanied by a law  
136 enforcement officer.

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

140 Section 8. Section 513.13, Florida Statutes, is amended to  
141 read:

142 513.13 Recreational vehicle parks; ejection ~~eviction~~;  
143 grounds; proceedings.-

144 (1) The operator of any recreational vehicle park may  
145 remove or cause to be removed from such park, in the manner

588-03457-20

2020772c2

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

157 (2) The operator of any recreational vehicle park shall  
158 notify such guest that the park no longer desires to entertain  
159 the guest and shall request that such guest immediately depart  
160 from the park. Such notice shall be given in writing, as  
161 follows: "You are hereby notified that this recreational vehicle  
162 park no longer desires to entertain you as its guest, and you  
163 are requested to leave at once. To remain after receipt of this  
164 notice is a misdemeanor under the laws of this state." If such  
165 guest has paid in advance, the park shall, at the time such  
166 notice is given, tender to the guest the unused portion of the  
167 advance payment. Any guest who remains or attempts to remain in  
168 such park after being requested to leave commits ~~is guilty of~~ a  
169 misdemeanor of the second degree, punishable as provided in s.  
170 775.082 or s. 775.083.

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

588-03457-20

2020772c2

175 the action is for the purpose of requiring the guest to confront  
176 the operator or permittee and arrange for the payment of the  
177 guest's account. Such arrangement must be in writing, and a copy  
178 shall be furnished to the guest. Upon entering into such  
179 agreement, the operator shall reconnect the utilities of the  
180 recreational vehicle.

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

588-03457-20

2020772c2

204 (5) In addition to the grounds for ejection ~~eviction~~  
205 established by law, grounds for ejection ~~eviction~~ may be  
206 established in a written lease agreement between a recreational  
207 vehicle park operator or permittee and a recreational vehicle  
208 park occupant.

209 Section 9. Present subsection (7) of section 514.0115,  
210 Florida Statutes, is redesignated as subsection (8), and a new  
211 subsection (7) is added to that section, to read:

212 514.0115 Exemptions from supervision or regulation;  
213 variances.—

214 (7) A surf pool that is larger than 4 acres is exempt from  
215 supervision under this chapter, provided that it is permitted by  
216 a local government pursuant to a special use permit process in  
217 which the local government asserts regulatory authority over the  
218 construction of the surf pool and, in consultation with the  
219 department, establishes through the local government's special  
220 use permitting process the conditions for the surf pool's  
221 operation, water quality, and necessary lifesaving equipment.  
222 This subsection does not affect the department's or a county  
223 health department's right of entry pursuant to s. 514.04 or its  
224 authority to seek an injunction pursuant to s. 514.06 to  
225 restrain the operation of a surf pool permitted and operated  
226 under this subsection if it presents significant risks to public  
227 health. For the purposes of this subsection, the term "surf  
228 pool" means a pool designed to generate waves dedicated to the  
229 activity of surfing on a surfboard or an analogous surfing  
230 device commonly used in the ocean and intended for sport, as  
231 opposed to general play intent for wave pools, other large-scale  
232 public swimming pools, or other public bathing places.

588-03457-20

2020772c2

233 Section 10. Subsection (7) of section 553.77, Florida  
234 Statutes, is amended to read:

235 553.77 Specific powers of the commission.—

236 (7) Building officials shall recognize and enforce variance  
237 orders issued by the Department of Health pursuant to s.  
238 514.0115(8) ~~s. 514.0115(7)~~, including any conditions attached to  
239 the granting of the variance.

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