



666186

LEGISLATIVE ACTION

Senate

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House

The Committee on Innovation, Industry, and Technology (Perry) recommended the following:

Senate Amendment (with title amendment)

Before line 21

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



666186

11 department shall administer and enforce, with respect to such
12 parks and camps, laws and rules relating to sanitation, control
13 of communicable diseases, illnesses and hazards to health among
14 humans and from animals to humans, and permitting and
15 operational matters in order to protect the general health and
16 well-being of the residents ~~people~~ of and visitors to the state.
17 However, nothing in this chapter qualifies a mobile home park, a
18 lodging park, a recreational vehicle park, or a recreational
19 camp for a liquor license issued under s. 561.20(2)(a)1. Mobile
20 home parks, lodging parks, recreational vehicle parks, and
21 recreational camps regulated under this chapter are exempt from
22 regulation under the provisions of chapter 509.

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

25 513.02 Permit.—

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

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

34 513.051 Preemption.—The department is the exclusive
35 regulatory and permitting authority for sanitary and permitting
36 standards for all mobile home parks, lodging parks, recreational
37 vehicle parks, and recreational camps in accordance with ~~the~~
38 ~~provisions of~~ this chapter.

39 Section 4. Subsection (3) is added to section 513.112,



666186

40 Florida Statutes, to read:

41 513.112 Maintenance of guest register and copy of laws.-

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

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

49 513.1115 Placement of recreational vehicles on lots in
50 permitted parks.-

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

56 (4)(3) This section does not limit the regulation of the
57 uniform firesafety standards established under s. 633.206.
58 However, this section shall supersede any other county,
59 municipality, or special district ordinance or regulation
60 regarding the lot size, lot density, or separation or setback
61 distance of a recreational vehicle park which goes into effect
62 after the initial permitting and construction of the park.

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

65 513.115 Unclaimed property.-Any property having an
66 identifiable owner which ~~is left in a recreational vehicle park~~
67 ~~by a guest, other than property belonging to a guest who has~~
68 ~~vacated the premises without notice to the operator and with an~~



666186

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

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

80 513.118 Conduct on premises; refusal of service.—

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

89 (2) The operator of a recreational vehicle park may request
90 that a transient guest or visitor who violates subsection (1)
91 leave the premises immediately. A person who refuses to leave
92 the premises commits the offense of trespass as provided in s.
93 810.08 and the operator may call a law enforcement officer to
94 have the person and his or her property removed under the
95 supervision of the officer. A law enforcement officer is not
96 liable for any claim involving the removal of the person or
97 property from the recreational vehicle park under this section,



666186

98 except as provided in s. 768.28. If conditions do not allow for
99 immediate removal of the person's property, he or she may
100 arrange a reasonable time, not to exceed 48 hours, with the
101 operator to come remove the property, accompanied by a law
102 enforcement officer.

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

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

108 513.13 Recreational vehicle parks; ejection ~~eviction~~;
109 grounds; proceedings.-

110 (1) The operator of any recreational vehicle park may
111 remove or cause to be removed from such park, in the manner
112 provided in this section, any transient guest of the park who,
113 while on the premises of the park, illegally possesses or deals
114 in a controlled substance as defined in chapter 893; who ~~or~~
115 disturbs the peace, quiet enjoyment, and comfort of other
116 persons; who causes harm to the physical park; who violates the
117 posted park rules and regulations; or who fails to make payment
118 of rent at the rental rate agreed upon and by the time agreed
119 upon. The admission of a person to, or the removal of a person
120 from, any recreational vehicle park may ~~shall~~ not be based upon
121 race, color, national origin, sex, physical disability, or
122 creed.

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



666186

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

137 (3) If a guest has accumulated an outstanding account in
138 excess of an amount equivalent to 3 ~~three~~ nights' rent at a
139 recreational vehicle park, the operator may disconnect all
140 utilities of the recreational vehicle and notify the guest that
141 the action is for the purpose of requiring the guest to confront
142 the operator or permittee and arrange for the payment of the
143 guest's account. Such arrangement must be in writing, and a copy
144 shall be furnished to the guest. Upon entering into such
145 agreement, the operator shall reconnect the utilities of the
146 recreational vehicle.

147 (4) If any person is illegally on the premises of any
148 recreational vehicle park, the operator of such park may call
149 upon any law enforcement officer of this state for assistance.
150 It is the duty of such law enforcement officer, upon the request
151 of such operator, to remove from the premises or place under
152 arrest ~~and take into custody for violation of this section~~ any
153 guest who, according to the park operator, violated ~~violates~~
154 subsection (1) or subsection (2) ~~in the presence of the officer.~~
155 If a warrant has been issued by the proper judicial officer for



666186

156 the arrest of any guest who violates ~~violation~~ of subsection (1)
157 or subsection (2), the officer shall serve the warrant, arrest
158 the guest ~~person~~, and take the guest ~~person~~ into custody. Upon
159 removal or arrest, with or without warrant, the guest is deemed
160 to have abandoned or given up any right to occupancy ~~or to have~~
161 ~~abandoned the guest's right to occupancy~~ of the premises of the
162 recreational vehicle park; and the operator of the park shall
163 employ all reasonable and proper means to care for any personal
164 property left on the premises by such guest and shall refund any
165 unused portion of moneys paid by such guest for the occupancy of
166 such premises. If conditions do not allow for immediate removal
167 of the guest's property, he or she may arrange a reasonable
168 time, not to exceed 48 hours, with the operator to come remove
169 the property, accompanied by a law enforcement officer.

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

175
176 ===== T I T L E A M E N D M E N T =====

177 And the title is amended as follows:

178 Delete line 2

179 and insert:

180 An act relating to recreational vehicle industries;
181 amending s. 513.012, F.S.; revising legislative
182 intent; amending s. 513.02, F.S.; providing a
183 timeframe for the application of a permit; amending s.
184 513.051, F.S.; preempting to the Department of Health



666186

185 the regulatory authority for permitting standards;
186 amending s. 513.112, F.S.; providing that evidence of
187 a certain length of stay in a guest register creates a
188 rebuttable presumption that a guest is transient;
189 amending s. 513.1115, F.S.; providing standards for a
190 damaged or destroyed recreational vehicle park to be
191 rebuilt under certain circumstances; superseding
192 certain ordinances or regulations; amending s.
193 513.115, F.S.; specifying when certain property
194 becomes abandoned; providing for disposition of such
195 property; amending s. 513.118, F.S.; authorizing a
196 park operator to refuse access to the premises and to
197 eject transient guests or visitors based on specified
198 conduct; providing that a person who refuses to leave
199 the park premises commits the offense of trespass;
200 providing immunity from liability for certain law
201 enforcement officers; providing an exception;
202 providing for removal of property; amending s. 513.13,
203 F.S.; providing for ejection from a park and
204 specifying grounds and requirements therefor;
205 providing for removal of property; amending s.