

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: CS/CS/SB 422

INTRODUCER: Innovation, Industry, and Technology Committee; Infrastructure and Security Committee; and Senator Perry

SUBJECT: Recreational Vehicle Industries

DATE: February 24, 2020

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Proctor</u>	<u>Miller</u>	<u>IS</u>	<u>Fav/CS</u>
2.	<u>Baird</u>	<u>Imhof</u>	<u>IT</u>	<u>Fav/CS</u>
3.	<u>Proctor</u>	<u>Phelps</u>	<u>RC</u>	<u>Pre-meeting</u>

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 422:

The bill amends provisions of chs. 513 and 527, F.S., which governs mobile home parks, lodging parks, recreational vehicle parks, and recreational camps. The bill:

- Specifies that permitting and regulatory authority (for sanitary standards and operational matters) is preempted exclusively to the Department of Health (DOH) for recreational vehicle (RV) parks, mobile home parks, lodging parks, and recreational camps.
- Requires new park or camp owners to apply to DOH for a permit within 60 days after the date of transfer, instead of before the date of transfer.
- Allows an RV park damaged or destroyed by natural disaster to be rebuilt on the same site using the same density standards established at the time of the RV park's initial approval.
- Creates a rebuttable presumption that an RV park guest is a transient guest.
- Provides a method for the disposal of property left by a transient guest with outstanding account who vacates an RV park without notice.
- Adds a violation of posted RV park rules and regulations to the list of reasons a RV park operator may eject a transient guest or visitor from the RV park premises and provides notice of ejection requirements.
- Allows a RV park operator to refuse a transient guest or visitor access to the premises for specified conduct.
- Provides that a RV park operator may request that such person leave the premises immediately for specified conduct.

- Modifies existing duties of a law enforcement officer to allow them to remove from the premise any guest who, according to RV park operator, has violated RV park rules.
- Defines “recreational vehicle” (RV) to mean a motor vehicle that is designed to provide temporary living quarters for recreational, camping, or travel use and that has its own propulsion or is mounted on or towed by another motor vehicle;
- Requires the Department of Agriculture and Consumer Services (DACS) by rule to specify the requirements for agents qualified to administer the written competency examinations required for qualifiers and master qualifiers;
- Requires the DACS to establish by rule a separate written competency examination for persons applying for a license to solely engage in the service and repair of RVs;
- Provides that any qualifier or master qualifier who has passed the category I RV dealer and installer examination may engage in category I activities solely related to the service and repair of RVs; and
- Requires that, in order to apply for certification as a master qualifier, each applicant must meet certain experience or certification criteria, and employment and examination requirements.

The effective date of the bill is July 1, 2020.

## II. Present Situation:

### Mobile Home and Recreational Vehicle Parks

Florida first began regulating recreational parks and camps in 1927 when the Legislature enacted statutes addressing the operation and maintenance of “tourist camps.” These establishments catered to transient guests by providing tent and cottage accommodations.<sup>1</sup> The substance of these original regulations is currently embodied in ch. 513, F.S. This chapter provides the regulatory requirements governing mobile home parks, lodging parks, recreational vehicle (RV) parks, and recreational camps in the state. Chapter 513, F.S., also contains standards and requirements for operators of these types of recreational facilities.

Chapter 513, F.S., has not undergone major changes since the 1993 regular session.<sup>2</sup> Applicable rules adopted by the DOH have not been modified since 1996.<sup>3</sup>

Mobile home parks, lodging parks, RV parks, and recreational camps are similar to hotels in many respects. Like hotels, these parks and camps offer lodging accommodations to the public. Recreational park operators own the accommodations or a portion thereof and allow transient guests to purchase a revocable license to enter and remain on the property. The real difference between hotels and recreational parks are the nature of the facilities provided.

As of July 19, 2019, there were 5,392 licensed mobile home parks, lodging parks, RV parks, and recreational camps in Florida.<sup>4</sup> In a June 2019 report, RVs Move America found that RV

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<sup>1</sup> Chapter 12419, Laws of Fla. (1927)

<sup>2</sup> *Id.*

<sup>3</sup> Fla. Admin. Code R. 64E-15 (1996).

<sup>4</sup> Florida Department of Health, *Mobile Home Parks* (last modified September 13, 2019), available at <http://www.floridahealth.gov/environmental-health/mobile-home-parks/index.html> (last visited Feb. 18, 2020).

campgrounds and travel had a \$1.1 billion annual economic impact in Florida, which was the third-highest in the nation.<sup>5</sup>

### ***Applicability of Recreational Vehicle Park Provisions to Mobile Home Parks***

Although mobile home parks are primarily regulated by ch. 723, F.S., a mobile home park that has five or more sites set aside for rent to transient RV guests must comply with the RV park requirements in ch. 513, F.S. Notwithstanding this requirement, mobile home parks licensed under ch. 723, F.S., are not required to obtain a second operational license under ch. 513, F.S.<sup>6</sup>

### ***Department of Health Oversight***

The DOH is the exclusive regulatory and permitting authority for sanitary standards in all mobile home parks, lodging parks, recreational vehicle parks, and recreational camps. The DOH also issues operational permits, provides and enforces administrative rules, performs routine premises inspections, prosecutes regulatory violations, and issues penalties for operator misconduct. Local governments are prohibited from enacting regulations for sanitary standards within a ch. 513, F.S., park or camp.<sup>7</sup>

### ***Permitting***

All parks and camps must apply for and receive an operating permit from the DOH to conduct business activities. Permits are not transferable from one place or person to another and must be renewed annually.<sup>8</sup> The DOH may revoke or suspend a permit if a park or camp is not constructed or maintained according to law and DOH rule. When the ownership of a park or camp is transferred, and the new owner plans to continue recreational operations, the new owner must apply to the DOH for a permit before the date of transfer.<sup>9</sup>

The DOH may charge park and camp operators reasonable permitting fees, and such fees must be based on the actual costs incurred by the DOH in carrying out oversight of the particular facility

### ***Placement of Recreational Vehicles on Lots in Permitted Parks***

Under s. 513.1115, F.S., the separation distances between RV sites within an RV park must remain unchanged from the time the DOH initially approves a park's operational permit. Likewise, setback distances from the exterior park property boundary must be the setback distances established at the time of the initial approval of the park by the DOH and the local government.<sup>10</sup>

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<sup>5</sup> RVs Move America, *Florida* (June 2019), available at <https://rvia.guerrillaeconomics.net/reports/e5b85c91-4f88-460c-9912-579c89f8d04e?> (last visited Feb. 18, 2020)

<sup>6</sup> Section 513.014, F.S.

<sup>7</sup> Section 513.051, F.S.

<sup>8</sup> Section 513.02, F.S.

<sup>9</sup> *Id.*

<sup>10</sup> Section 513.1115(2), F.S.

### ***Guest Register***

Every park and camp operator that rents to transient guests<sup>11</sup> must maintain a current and signed registry of guests that occupy rental sites. The register must show the dates upon which the rental sites were occupied by such guests and the rates charged for the guests' occupancy. This register must be maintained in chronological order and be available for inspection by the DOH at any time. An operator is not required to retain a register that is more than two years old.<sup>12</sup>

### ***Unclaimed Guest Property***

If a guest leaves property in a park and the property has an identifiable owner, the park operator may obtain ownership of the property by providing the guest written notice of the property and holding the property for 90 days without it being reclaimed. Alternatively, if the property belongs to a guest who has vacated the premises without notice to the operator and has an outstanding account with the park, the operator may obtain ownership of the property through the court and a writ of distress.<sup>13</sup>

### ***Park Rules and Guest Conduct on Premises***

Park and camp operators may establish reasonable rules and regulations for the management of the park, its guests, and employees. Under s. 513.117, F.S., such park and camp rules are deemed a special contract between operators, guests, and employees. Park rules may control the liabilities, responsibilities, and obligations of all parties, and must be posted (along with the provisions of ch. 513, F.S.) in the registration area of the park or camp.<sup>14</sup> The operator of a park or camp may refuse accommodations or service to any person: whose conduct on the premises of the park displays intoxication, profanity, lewdness, or brawling; who indulges in such language or conduct as to disturb the peace or comfort of other guests; who engages in illegal or disorderly conduct; or whose conduct constitutes a nuisance.<sup>15</sup>

### ***Guest Eviction***

Park and camp operators may remove transient guests for certain violations of park rules and general law. A transient guest may be removed for illegal possession of a controlled substance, disturbing the peace and comfort of other persons, causing harm to the physical park, and failing to make payment of rent.<sup>16</sup>

To remove a guest, the operator of a park must notify the guest in writing that the park no longer desires to entertain the guest and request that such guest should immediately leave the park or camp. If the guest has paid in advance, the park must provide the guest with the unused portion of the payment with the written notification. If a guest remains in a park or camp after being requested to leave, the guest is considered guilty of a misdemeanor of the second degree,

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<sup>11</sup> "Transient guest means any guest registered as provided in s. 513.112, F.S., for 6 months or less. When a guest is permitted with the knowledge of the park operator to continuously occupy a recreational vehicle in a recreational vehicle park for more than 6 months, there is a rebuttable presumption that the occupancy is nontransient, and the eviction procedures of part II of chapter 83 apply." Section 513.01(12), F.S.

<sup>12</sup> Section 513.112, F.S.

<sup>13</sup> Section 513.115, F.S.; *see also* s. 513.151, F.S.

<sup>14</sup> Section 513.117, F.S.

<sup>15</sup> Section 513.118, F.S.

<sup>16</sup> Section 513.13, F.S.

punishable as provided in ss. 775.082 or 775.083, F.S. (Conviction of a misdemeanor in the second degree is not to exceed a \$500 criminal fine and a term of imprisonment not to exceed 60 days.)<sup>17</sup>

In the event a guest owes a park operator an amount equivalent to three nights' rent, the operator may disconnect all utilities to the recreational vehicle or campsite and provide the guest written demand for the amount owed. The operator must reconnect the utilities of the recreational vehicle if the guest agrees to satisfy the debt.<sup>18</sup>

If any person is illegally on the premises of a park or camp, the operator may call a law enforcement officer for assistance. A law enforcement officer, upon the request of an operator, must arrest and take into custody any guest who violates park rules, conduct requirements, or general law in the presence of the officer. A law enforcement officer may also serve an arrest warrant on any guest or person and take the person into custody. Upon arrest, with or without a warrant, the guest is deemed to have given up any right to occupancy of the park or camp premises. However, the operator of the park must refund the guest any unused payments and use all reasonable and proper means to care for personal property left on the premises by the guest.<sup>19</sup>

In addition to the grounds for eviction established by law, the operator may establish grounds for eviction in any written lease agreement with a guest.<sup>20</sup>

### ***Other Rights, Requirements, and Remedies for Operators; Writ of Distress***

In addition to the rights and remedies described above, ch. 513, F.S., includes other procedures park and camp operators must follow when recovering a rental premise and removing or obtaining ownership of guest property to satisfy an outstanding debt. These procedures require park and camp operators to follow a civil procedure in court. Procedures include, but are not limited to:

- Sealing a recreational vehicle in the presence of at least one other person who is not an agent of the operator;
- Preparing an itemized inventory of any property belonging to the guest in the presence of a person who is not an agent;
- Petitioning a court for a writ of distress predicated on a lien created under s. 713.77, F.S., addressing property claims by third persons; and
- Storing property until a settlement or a final court judgment is obtained on the guest's outstanding account.<sup>21</sup>

### **Liquefied Petroleum Gas**

The Bureau of Compliance within the DACS is the primary agency charged with regulating the LP gas industry, including licensing, inspection, training, and examination requirements, in accordance with ch. 527, F.S. These responsibilities enable DACS to ensure that those persons

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<sup>17</sup> *Id.* at (2)

<sup>18</sup> *Id.* at (3)

<sup>19</sup> *Id.* at (4)

<sup>20</sup> *Id.* at (5)

<sup>21</sup> Section 513.151, F.S.

engaged in LP gas-related business activities in this state are trained and that compliance with acceptable safety codes and standards is achieved statewide.<sup>22</sup>

LP gas is defined in statute as any material composed predominantly of any of the following hydrocarbons, or mixtures of the same: propane; propylene; butanes (normal butane or isobutane); and butylenes.<sup>23</sup>

Propane, the most widely used LP gas, is an energy source for hotels, restaurants, schools, hospitals, nursing homes, universities, private homes, recreational vehicles, agricultural and industrial facilities, and is used as an alternative fuel for vehicles.<sup>24</sup>

***Business Licenses***

Current law provides licensing requirements for businesses that engage in certain LP gas-related activities, including sales, installations, service and repair work, manufacture of equipment, and other miscellaneous activities. The DACS is required to license applicants that it determines to be competent, qualified, and trustworthy. Violations for willfully operating without a license is a third degree felony.<sup>25</sup> The license categories and associated fees are as follows:<sup>26</sup>

<b><i>License Categories</i></b>	<b><i>License Fee Per Year</i></b>
Category I LP gas dealer	\$400
Category II LP gas dispenser	\$400
Category III LP gas cylinder exchange unit operator	\$65
Category IV dealer in appliances and equipment	\$65
Category V LP gas installer	\$200
Category VI miscellaneous operator	\$200

Licenses may elect to renew their license annually, biennially, or triennially, and are required to meet the same requirements and conditions, including fee amounts, for each licensed year. An expired license will become inoperative, and the fee for restoration of an expired license is equal to the original license fee, and must be paid before the licensee is allowed to resume operations.<sup>27</sup>

<sup>22</sup> Florida Department of Agriculture and Consumer Services, *Safe Dispensing of Propane, Propane Dispensing Unit Operator Training Manual*, <https://www.fdacs.gov/content/download/78592/file/Safe-Dispensing-of-Propane-Manual.pdf> (last visited Feb. 18, 2020).

<sup>23</sup> Section 527.01(1), F.S.

<sup>24</sup> Florida Department of Agriculture and Consumer Services, *supra* note 1, at 4.

<sup>25</sup> Section 527.02(1), F.S. A third degree felony is punishable by a term of imprisonment not exceeding 15 years and a fine not to exceed \$5,000. *See* ss. 775.082 and 775.083, F.S.

<sup>26</sup> Section 527.02(2), F.S.

<sup>27</sup> Section 527.03, F.S.

### ***Training and Examinations***

DACS is responsible for enforcing reasonable standards of competency, including, but not limited to, the training, licensure, testing, and qualifying of persons participating in the LP gas industry.<sup>28</sup> DACS is also authorized to adopt rules that are:<sup>29</sup>

- In the interest of public health, safety, and welfare and to promote the safe handling of LP gas, equipment, and systems; and
- Reasonably necessary to assure the competence of persons to safely engage in the business of LP gas.

According to the DACS's website, training is required for all employees of an LP gas-related business, and refresher training must be conducted at three-year intervals.<sup>30</sup>

In addition, any person applying for a license to engage in category I (LP gas dealer), II (LP gas dispenser), or V (LP gas installer) activities must prove competency by passing a written examination administered by DACS or its agent.<sup>31</sup>

The DACS does not currently have a rule that provides for a separate written competency examination process for licensees engaged in RV-related LP gas services or repairs that would be different than that taken by other types of applicants in a license category.

### ***Qualifiers***

Each category I (LP gas dealer), II (LP gas dispenser), or V (LP gas installer) licensee is required to employ a full-time employee who has received a qualifier certificate from the DACS. Qualifiers are required to function in a supervisory capacity, and a separate qualifier must be present for every ten employees.

An applicant for a qualifier certificate must:

- Be employed by a category I (LP gas dealer), II (LP gas dispenser), or V (LP gas installer) licensee;
- Submit to the DACS a nonrefundable \$20 examination fee; and
- Pass a competency examination with a grade of 70 percent or above in each area tested.

Qualifier registration expires three years after the date of issuance. Qualifiers must renew their qualification 30 calendar days before expiration, upon:

- Application to the DACS;
- Payment of a \$20 renewal fee; and
- Documentation of the completion of a minimum of 16 hours of approved continuing education courses, as defined by rule of the DACS, during the previous three-year period.

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<sup>28</sup> Section 527.055(1)(b), F.S.

<sup>29</sup> Section 527.06, F.S.

<sup>30</sup> Florida Department of Agriculture and Consumer Services, *LP Gas Training*, <https://www.fdacs.gov/Business-Services/LP-Gas-Inspection/LP-Gas-Training> (last visited Feb. 18, 2020).

<sup>31</sup> Section 527.0201(1), F.S.

Persons failing to renew before the expiration date must reapply and take a qualifier competency examination in order to reestablish qualifier status.<sup>32</sup>

### ***Master Qualifiers***

In addition to the qualifier requirements, each category I (LP gas dealer) and V (LP gas installer) licensee is required to have a manager, owner, or employee at each licensed location who has received a master qualifier certificate from the DACS. The master qualifier must be a manager, owner or someone otherwise primarily responsible for overseeing the operations of the licensed location and must provide documentation to the DACS.

An applicant for a master qualifier certificate must:<sup>33</sup>

- Be employed by a category I (LP gas dealer) or V (LP gas installer) licensee;
- Submit to the DACS a nonrefundable \$30 examination fee.
- Have been a registered qualifier for at least three years immediately preceding the application; and
- Pass a master qualifier competency examination with a grade of 70 percent or above in each area tested.

Master qualifier registration expires three years after the date of issuance. Master qualifier registration renewals may be renewed by submitting to DACS.<sup>34</sup>

- Proof of employment;
- Payment of a \$30 certificate renewal fee; and
- Documentation of the completion of a minimum of 16 hours of approved continuing education courses, as defined by department rule, during the previous three-year period.

### ***Recreational Vehicle Dealers or installers***

Propane is widely used in RVs to regulate temperature, cook meals, provide hot water, and refrigerate food. Typically, motorized RVs have a fixed propane tank and towable RVs have a removable propane tank.<sup>35</sup> In Florida, the refilling, repairing, or replacing of propane gas and equipment must be completed by a properly trained employee of a licensed LP gas-related business.<sup>36</sup>

Prior to July 2018, RV dealers and installers were classified separately in Florida law as a “category IV LP gas dispenser and recreational vehicle servicer,” and were defined as:<sup>37</sup>

“any person engaging in the business of operating a liquefied petroleum gas dispensing unit for the purpose of serving liquid product to the ultimate consumer for industrial, commercial, or domestic use, and selling or offering to sell, or leasing or offering to lease, apparatus, appliances, and equipment for the use of liquefied petroleum gas, and

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<sup>32</sup> Section 527.0201(1)-(4), F.S.

<sup>33</sup> Section 527.0201(5), F.S.

<sup>34</sup> Section 527.0201(5)(c), F.S.

<sup>35</sup> Winnebagolife, *An Easy Guide to Finding Propane for Your RV*, <https://winnebagolife.com/2019/05/finding-propane-for-your-rv> (last visited Feb. 18, 2020).

<sup>36</sup> See ch. 527, F.S.

<sup>37</sup> See s. 527.01(9), F.S. (2017).



whose services include the installation, service, or repair of recreational vehicle liquefied petroleum gas appliances and equipment.”

RVs were defined as:<sup>38</sup>

“a motor vehicle designed to provide temporary living quarters for recreational, camping, or travel use, which has its own propulsion or is mounted on or towed by another motor vehicle.”

In order to engage in LP gas-related activities, category IV (LP gas dispenser and recreational vehicle servicer) businesses were required to obtain licensure from DACS by meeting all applicable requirements within the chapter of law governing the LP gas industry, including training, examination, initial and renewal license fees, insurance coverage, and qualifiers.<sup>39</sup>

However, legislation passed during the 2018 Legislative Session, effective July 2018, resulted in the category IV (LP gas dispenser and recreational vehicle servicer) license type being deleted from statute.<sup>40</sup>

Since July 2018, depending on the type of work being performed, a RV dealer/installer is now required to obtain either a category I (LP gas dealer), II (LP gas dispenser), or V (LP gas installer) license, and meet all applicable licensing and examination requirements in order to operate lawfully in the state. Current law does not provide a separate LP gas license category specifically for RV dealers and installers.

According to the DACS, RV dealers and installers are required to obtain a category V (LP gas installer) license, and if the RV dealer/installer also dispenses LP gas, a category II (LP gas dispenser) license must also be obtained. In lieu of multiple licenses, RV dealers and installers may obtain a category I (LP gas dealer) license that allows them to perform both service and dispensing functions.<sup>41</sup>

According to the DACS, there are 50 licensed RV dealers and installers in the state.<sup>42</sup>

### **III. Effect of Proposed Changes:**

#### **Mobile Home and Recreational Vehicle Parks**

**Sections 1 and 3** amend ss. 513.012 and 513.051, F.S., respectively, to clarify that the DOH is the exclusive regulatory and permitting authority for sanitary standards and operational matters in all mobile home parks, lodging parks, recreational vehicle parks, and recreational camps.

Section 1 of the bill also expands the scope of the DOH’s regulatory permitting and operational matters to specifically protect the health and well-being of Florida residents and visitors.

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<sup>38</sup> Section 527.01(7), F.S. (2017).

<sup>39</sup> See ch. 527, F.S. (2017).

<sup>40</sup> Ch. 2018-84, Laws of Fla.

<sup>41</sup> *Supra* note 1, p. 1.

<sup>42</sup> *Supra* note 1, p. 3.

**Section 2** amends s. 513.02, F.S., to provide park and camp purchasers 60 days to apply for an operational permit from the DOH after the ownership interest in a park is transferred. (Under current law, a park operator must apply to the DOH *before* the date of transfer.)

**Section 4** amends s. 513.112, F.S., to provide a rebuttable presumption that a guest who occupies an RV in a park for less than six months, as evidenced by the length of stay shown in the guest registry, is a transient occupant. This change establishes the right of operators to eject transient guests and helps avoid property interest considerations in landlord-tenant law.<sup>43</sup>

**Section 5** amends s. 513.1115, F.S., to allow RV parks to use the same density standards originally permitted by the DOH and local government when rebuilding a site after it was damaged or destroyed by wind, water, or natural disasters. The bill also states that the initial density standards and setback distances permitted by the DOH and local government will supersede any subsequent local government law or regulation on lot size, lot density, lot separation, or setback distance.

**Section 6** amends s. 513.115, F.S., to categorize property left by a guest with an outstanding account with the operator as abandoned property. The disposition of this abandoned property will be governed by the requirements specified in the Personal Property Landlord and Tenant Act under s. 715.10 or s. 705.185, F.S., as applicable.

**Section 7** amends s. 513.118, F.S., to broaden the ability of park and camp operators to deny transient guests and visitors access to the park premises. The bill allows operators to remove guests and visitors for conduct that disturbs the quiet enjoyment of other guests, or conduct that constitutes a safety hazard. Guests and visitors who do not leave park premises commit the offense of trespass as provided in s. 810.08, F.S.<sup>44</sup> The bill authorizes operators to rely on a law enforcement officer to supervise guest removal. The bill provides that a removed guest, accompanied by a law enforcement officer, may return to park premises to reclaim left personal property within 48 hours of removal.

**Section 8** amends s. 513.13, F.S., to add disturbing quiet enjoyment and a violation of posted park rules as causes for removal of park guests. The bill provides standardized language, mirroring s. 509.141, F.S.,<sup>45</sup> that park operators may use to request a guest to leave park premises. If a guest committed a removable offense according to a park operator and remains on park premises after receiving the notice, the bill requires a law enforcement officer to remove the guest from the premises. The bill allows removed guests to recollect personal property from the park within 48 hours. The bill changes eviction<sup>46</sup> terminology to ejection,<sup>47</sup> clarifying that an

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<sup>43</sup> Compare s. 509.141, F.S. (public lodging--refusal of admission and ejection of undesirable guests; notice; procedure; penalties for refusal to leave), with s. 83.20, F.S. (rental housing--causes for removal of tenants), and s. 513.13, F.S. (recreational vehicle parks--eviction; grounds; proceedings).

<sup>44</sup> Criminal trespass in a structure or conveyance is a misdemeanor of the second degree. See s. 810.08(2)(a), F.S.

<sup>45</sup> Relating to refusal of admission and ejection of undesirable guests in public lodging establishments.

<sup>46</sup> Eviction is defined as dispossession by process of law; the act of depriving a person of the possession of land or rental property he has held or leased. See Black's Law Dictionary 555 (6th ed. 1991).

<sup>47</sup> Ejection is defined as a turning out of possession. Ejectment is an action to restore possession of property to the person entitled to it. See Black Law Dictionary 516 (6th ed. 1991).

operator may remove a transient guest without the process of law. This ejection process will be similar to guest removal in hotels, motels, and lodging establishments.<sup>48</sup>

### **Liquefied Petroleum Gas**

**Section 9** amends s. 527.01, F.S., to define an RV to mean a motor vehicle that is designed to provide temporary living quarters for recreational, camping, or travel use and that has its own propulsion or is mounted on or towed by another motor vehicle.

**Section 10** amends s. 527.0201, F.S., to:

- Require the DACS by rule to specify the requirements for agents qualified to administer the written competency examinations required for qualifiers and master qualifiers;
- Require the DACS to establish by rule a separate written competency examination for persons applying for a license to solely engage in the service and repair of RVs, which must include and ensure competency in the following activities as they relate to recreational vehicles:
  - Operating an LP gas dispensing unit to serve liquid product to a consumer for industrial, commercial, or domestic use;
  - Selling or offering to sell, or leasing or offering to lease, apparatus, appliances, and equipment for the use of LP gas; and
  - Installing, servicing, or repairing LP gas for RV appliances and equipment.
- Allow any qualifier or master qualifier who has passed the category I RV dealer and installer examination to engage in category I (LP gas dealer) activities solely related to the service and repair of RVs; and
- Require that, in order to apply for certification as a master qualifier, each applicant must:
  - Have a minimum of 3 years of verifiable LP gas experience or hold a professional certification by an LP gas manufacturer as adopted by DACS rule immediately preceding submission of the application;
  - Must be employed by a licensed category I (LP gas dealer) or category V (LP gas installer) licensee or an applicant for such license; and
  - Must pass a master qualifier competency examination administered by the DACS or its agent.

**Section 11** provides that the bill takes effect on July 1, 2020.

## **IV. Constitutional Issues:**

### **A. Municipality/County Mandates Restrictions:**

None.

### **B. Public Records/Open Meetings Issues:**

None.

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<sup>48</sup> *Supra* note 44.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill prevents a local government from utilizing land use regulations to restrict the occupancy of a park beyond the provisions of an initial permit issued by the DOH and a local government.

C. Government Sector Impact:

The bill may cause an indeterminate, negative fiscal impact on the local governments. The bill requires state and local law enforcement officers to be more involved in the removal of guests. This involvement may cause state and local law enforcement offices to incur additional costs.

**VI. Technical Deficiencies:**

Section 6 cross references the Personal Property Landlord and Tenant Act under s. 715.10, F.S. This section only references the short title for the act. The entire act is ss. 715.10 – 715.111, F.S.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 513.012, 513.02, 513.051, 513.112, 513.1115, 513.115, 513.118, 513.13, 527.01, and 527.0201.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS/CS by Innovation, Industry, and Technology on February 17, 2020:**

- Specifies that permitting and regulatory authority (for sanitary standards and operational matters) is preempted exclusively to the Department of Health (DOH) for recreational vehicle (RV) parks, mobile home parks, lodging parks, and recreational camps.
- Requires new park or camp owners to apply to DOH for a permit within 60 days after the date of transfer, instead of before the date of transfer.
- Allows an RV park damaged or destroyed by natural disaster to be rebuilt on the same site using the same density standards established at the time of the RV park's initial approval.
- Creates a rebuttable presumption that an RV park guest is a transient guest.
- Provides a method for the disposal of property left by a transient guest with outstanding account who vacates an RV park without notice.
- Adds a violation of posted RV park rules and regulations to the list of reasons a RV park operator may eject a transient guest or visitor from the RV park premises and provides notice of ejection requirements.
- Allows a RV park operator to refuse a transient guest or visitor access to the premises for specified conduct.
- Provides that a RV park operator may request that such person leave the premises immediately for specified conduct.
- Modifies existing duties of a law enforcement officer to allow them to remove from the premise any guest who, according to RV park operator, has violated RV park rules.

**CS by Infrastructure and Security on January 27, 2020:**

- Requires the DACS by rule to specify the requirements for agents qualified to administer the written competency examinations required for qualifiers and master qualifiers;
- Requires the DACS to establish by rule a separate written competency examination for persons applying for a license to solely engage in the service and repair of RVs;
- Provides that any qualifier or master qualifier who has passed the category I RV dealer and installer examination may engage in category I activities solely related to the service and repair of RVs; and
- Requires that in order to apply for certification as a master qualifier, each applicant must meet certain experience or certification criteria, and employment and examination requirements.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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