

By Senator Hutson

7-00549A-20

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

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

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

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

513.02 Permit.—

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

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59 department may issue a permit to the applicant.

60 Section 3. Section 513.051, Florida Statutes, is amended to
61 read:

62 513.051 Preemption.—The department is the exclusive
63 regulatory and permitting authority for sanitary and permitting
64 standards for all mobile home parks, lodging parks, recreational
65 vehicle parks, and recreational camps in accordance with the
66 provisions of this chapter.

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

69 513.112 Maintenance of guest register and copy of laws.—

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

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

77 513.1115 Placement of recreational vehicles on lots in
78 permitted parks.—

79 (3) If a recreational vehicle park is damaged or destroyed
80 as a result of wind, water, or other natural disaster, the park
81 may be rebuilt on the same site using the same density standards
82 that were approved or permitted before the park was damaged or
83 destroyed.

84 (4)~~(3)~~ This section does not limit the regulation of the
85 uniform firesafety standards established under s. 633.206.
86 However, this section shall supersede any other local government
87 law or regulation regarding the lot size, lot density, or

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88 separation or setback distance of a recreational vehicle park
89 which goes into effect after the initial permitting and
90 construction of the park.

91 Section 6. Section 513.115, Florida Statutes, is amended to
92 read:

93 513.115 Unclaimed property.—Any property having an
94 identifiable owner which ~~is left in a recreational vehicle park~~
95 ~~by a guest, other than property belonging to a guest who has~~
96 ~~vacated the premises without notice to the operator and with an~~
97 ~~outstanding account, which property~~ remains unclaimed after
98 having been held by a the park for 90 days after written notice
99 was provided to the guest or the owner of the property, becomes
100 the property of the park. Any property that is left by a guest
101 who has vacated the premises without notice to the operator and
102 who has an outstanding account is considered abandoned property,
103 and disposition thereof shall be governed by the Disposition of
104 Personal Property Landlord and Tenant Act under s. 715.10.

105 Section 7. Section 513.118, Florida Statutes, is amended to
106 read:

107 513.118 Conduct on premises; refusal of service.—

108 (1) The operator of a recreational vehicle park may refuse
109 to provide accommodations, ~~or~~ service, or access to the premises
110 to any transient guest or visitor ~~person~~ whose conduct on the
111 premises of the park displays intoxication, profanity, lewdness,
112 or brawling; who indulges in such language or conduct as to
113 disturb the peace, quiet enjoyment, or comfort of other guests;
114 who engages in illegal or disorderly conduct; or whose conduct
115 constitutes a nuisance or safety hazard.

116 (2) The operator of a recreational vehicle park may request

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117 that a transient guest or visitor who violates subsection (1)
118 leave the premises immediately. A person who refuses to leave
119 the premises commits the offense of trespass as provided in s.
120 810.08, and the operator may call a law enforcement officer to
121 have the person and his or her property removed under the
122 supervision of the officer. A law enforcement officer is not
123 liable for any claim involving the removal of the person or
124 property from the recreational vehicle park under this section.
125 If conditions do not allow for immediate removal of the person's
126 property, he or she may arrange a reasonable time, not to exceed
127 48 hours, with the operator to come remove the property,
128 accompanied by a law enforcement officer.

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

132 Section 8. Section 513.13, Florida Statutes, is amended to
133 read:

134 513.13 Recreational vehicle parks; ejection ~~eviction~~;
135 grounds; proceedings.-

136 (1) The operator of any recreational vehicle park may
137 remove or cause to be removed from such park, in the manner
138 provided in this section, any transient guest of the park who,
139 while on the premises of the park, illegally possesses or deals
140 in a controlled substance as defined in chapter 893; who ~~or~~
141 disturbs the peace, quiet enjoyment, and comfort of other
142 persons; who causes harm to the physical park; who violates the
143 posted park rules and regulations; or who fails to make payment
144 of rent at the rental rate agreed upon and by the time agreed
145 upon. The admission of a person to, or the removal of a person

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146 from, any recreational vehicle park may ~~shall~~ not be based upon
147 race, color, national origin, sex, physical disability, or
148 creed.

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

163 (3) If a guest has accumulated an outstanding account in
164 excess of an amount equivalent to 3 ~~three~~ nights' rent at a
165 recreational vehicle park, the operator may disconnect all
166 utilities of the recreational vehicle and notify the guest that
167 the action is for the purpose of requiring the guest to confront
168 the operator or permittee and arrange for the payment of the
169 guest's account. Such arrangement must be in writing, and a copy
170 shall be furnished to the guest. Upon entering into such
171 agreement, the operator shall reconnect the utilities of the
172 recreational vehicle.

173 (4) If any person is illegally on the premises of any
174 recreational vehicle park, the operator of such park may call

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

196 (5) In addition to the grounds for ejection ~~eviction~~
197 established by law, grounds for ejection ~~eviction~~ may be
198 established in a written lease agreement between a recreational
199 vehicle park operator or permittee and a recreational vehicle
200 park occupant.

201 Section 9. This act shall take effect July 1, 2020.