

By the Committee on Community Affairs; and Senators Hutson,  
Perry, and Flores

578-02685-20

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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 an exception;  
25      providing for removal of a guest's property; amending  
26      s. 513.13, F.S.; providing for a guest's ejection from  
27      a park and specifying grounds and requirements for  
28      ejection; providing for removal of the guest's  
29      property; providing an 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 except as provided under s. 768.28. If conditions do not allow  
126 for immediate removal of the person's property, he or she may  
127 arrange a reasonable time, not to exceed 48 hours, with the  
128 operator to come remove the property, accompanied by a law  
129 enforcement officer.

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

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

135 513.13 Recreational vehicle parks; ejection ~~eviction~~;  
136 grounds; proceedings.—

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

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146 upon. The admission of a person to, or the removal of a person  
147 from, any recreational vehicle park may ~~shall~~ not be based upon  
148 race, color, national origin, sex, physical disability, or  
149 creed.

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

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

174 (4) If any person is illegally on the premises of any

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

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

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