

CHAPTER 2020-126

Committee Substitute for Committee Substitute for House Bill No. 343

An act relating to recreational vehicle industries; amending s. 513.012, F.S.; revising legislative intent; amending s. 513.02, F.S.; providing a time-frame for the application of a permit; amending s. 513.051, F.S.; preempting to the Department of Health the regulatory authority for permitting standards; amending s. 513.112, F.S.; providing that evidence of a certain length of stay in a guest register creates a rebuttable presumption that a guest is transient; amending s. 513.1115, F.S.; providing standards for a damaged or destroyed recreational vehicle park to be rebuilt under certain circumstances; superseding certain ordinances or regulations; amending s. 513.115, F.S.; specifying when certain property becomes abandoned; providing for disposition of such property; amending s. 513.118, F.S.; authorizing a park operator to refuse access to the premises and to eject transient guests or visitors based on specified conduct; providing that a person who refuses to leave the park premises commits the offense of trespass; providing immunity from liability for certain law enforcement officers; providing an exception; providing for removal of property; amending s. 513.13, F.S.; providing for ejection from a recreational vehicle park and specifying grounds and requirements therefor; providing for removal of property; amending s. 527.01, F.S.; defining the term “recreational vehicle”; amending s. 527.0201, F.S.; requiring the Department of Agriculture and Consumer Services to adopt rules specifying requirements for agents to administer certain competency examinations and establishing a competency examination for a license to engage in activities solely related to the service and repair of recreational vehicles; authorizing certain qualifiers and master qualifiers to engage in activities solely related to the service and repair of recreational vehicles; requiring verifiable LP gas experience or professional certification by an LP gas manufacturer in order to apply for certification as a master qualifier; providing an effective date.

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 department may issue a permit to the applicant.

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

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

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

513.112 Maintenance of guest register and copy of laws.—

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

Section 5. Subsection (3) of section 513.1115, Florida Statutes, is renumbered as subsection (4) and amended, and a new subsection (3) is added to that section, to read:

513.1115 Placement of recreational vehicles on lots in permitted parks.

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

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

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

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

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

513.118 Conduct on premises; refusal of service.—

(1) The operator of a recreational vehicle park may refuse to provide accommodations, or service, or access to the premises to any transient guest or visitor 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, quiet enjoyment, or comfort of other guests; who engages in illegal or disorderly conduct; or whose conduct constitutes a nuisance or safety hazard.

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

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

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

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

(1) The operator of any recreational vehicle park may remove or cause to be removed from such park, in the manner provided in this section, any transient guest of the park who, while on the premises of the park, illegally

possesses or deals in a controlled substance as defined in chapter 893; ~~who~~ or disturbs the peace, quiet enjoyment, and comfort of other persons; who causes harm to the physical park; who violates the posted park rules and regulations; or who fails to make payment of rent at the rental rate agreed upon and by the time agreed upon. The admission of a person to, or the removal of a person from, any recreational vehicle park ~~may~~ shall not be based upon race, color, national origin, sex, physical disability, or creed.

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

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

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

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

Section 9. Subsection (18) is added to section 527.01, Florida Statutes, to read:

527.01 Definitions.—As used in this chapter:

(18) “Recreational vehicle” means 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. Subsection (1) and paragraph (a) of subsection (5) of section 527.0201, Florida Statutes, are amended to read:

527.0201 Qualifiers; master qualifiers; examinations.—

(1) In addition to the requirements of s. 527.02, ~~a any~~ person applying for a license to engage in category I, category II, or category V activities must prove competency by passing a written examination administered by the department or its agent with a grade of 70 percent or above in each area tested. Each applicant for examination shall submit a \$20 nonrefundable fee.

(a) The department shall by rule specify the general areas of competency to be covered by each examination and the relative weight to be assigned in grading each area tested.

(b) The department shall by rule specify the requirements for agents qualified to administer the written competency examinations required by this part.

(c)1. The department shall by rule establish a separate written competency examination for a person applying for a license to engage in category I activities solely related to the service and repair of recreational vehicles. The category I recreational vehicle dealer/installer examination must include and ensure competency in the following activities as they relate to recreational vehicles:

a. Operating a liquefied petroleum gas dispensing unit to serve liquid product to a consumer for industrial, commercial, or domestic use;

b. Selling or offering to sell, or leasing or offering to lease, apparatus, appliances, and equipment for the use of liquefied petroleum gas; and

c. Installing, servicing, or repairing recreational vehicle liquefied petroleum gas appliances and equipment.

2. A qualifier or master qualifier who has passed the category I recreational vehicle dealer/installer examination may engage in category I activities solely related to the service and repair of recreational vehicles.

(5) In addition to all other licensing requirements, each category I and category V licensee must, at the time of application for licensure, identify to the department one master qualifier who is a full-time employee at the licensed location. This person shall be a manager, owner, or otherwise primarily responsible for overseeing the operations of the licensed location and must provide documentation to the department as provided by rule. The master qualifier requirement shall be in addition to the requirements of subsection (1).

(a) In order to apply for certification as a master qualifier, each applicant ~~must have been a registered qualifier for a minimum of 3 years of verifiable LP gas experience or hold a professional certification by an LP gas manufacturer as adopted by department rule immediately preceding~~ submission of the application, must be employed by a licensed category I or category V licensee, or an applicant for such license, and must pass a master qualifier competency examination administered by the department or its agent. Master qualifier examinations shall be based on Florida's laws, rules, and adopted codes governing liquefied petroleum gas safety, general industry safety standards, and administrative procedures. The applicant must successfully pass the examination with a grade of 70 percent or above. Each applicant for master qualifier registration must submit to the department a nonrefundable \$30 examination fee before the examination.

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

Approved by the Governor June 29, 2020.

Filed in Office Secretary of State June 29, 2020.