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CS/CS/HB 343

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

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26 | vehicle park and specifying grounds and requirements
27 | therefor; providing for removal of property; amending
28 | s. 527.01, F.S.; defining the term "recreational
29 | vehicle"; amending s. 527.0201, F.S.; requiring the
30 | Department of Agriculture and Consumer Services to
31 | adopt rules specifying requirements for agents to
32 | administer certain competency examinations and
33 | establishing a competency examination for a license to
34 | engage in activities solely related to the service and
35 | repair of recreational vehicles; authorizing certain
36 | qualifiers and master qualifiers to engage in
37 | activities solely related to the service and repair of
38 | recreational vehicles; requiring verifiable LP gas
39 | experience or professional certification by an LP gas
40 | manufacturer in order to apply for certification as a
41 | master qualifier; providing an effective date.

42 |
43 | Be It Enacted by the Legislature of the State of Florida:

44 |
45 | Section 1. Section 513.012, Florida Statutes, is amended
46 | to read:

47 | 513.012 Public health laws; enforcement.—It is the intent
48 | of the Legislature that mobile home parks, lodging parks,
49 | recreational vehicle parks, and recreational camps be
50 | exclusively regulated under this chapter. As such, the

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51 department shall administer and enforce, with respect to such
 52 parks and camps, laws and rules relating to sanitation, control
 53 of communicable diseases, illnesses and hazards to health among
 54 humans and from animals to humans, and permitting and
 55 operational matters in order to protect the general health and
 56 well-being of the residents ~~people~~ of and visitors to the state.
 57 However, nothing in this chapter qualifies a mobile home park, a
 58 lodging park, a recreational vehicle park, or a recreational
 59 camp for a liquor license issued under s. 561.20(2)(a)1. Mobile
 60 home parks, lodging parks, recreational vehicle parks, and
 61 recreational camps regulated under this chapter are exempt from
 62 regulation under ~~the provisions of~~ chapter 509.

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

65 513.02 Permit.—

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

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

74 513.051 Preemption.—The department is the exclusive
 75 regulatory and permitting authority for sanitary and permitting

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76 standards for all mobile home parks, lodging parks, recreational
 77 vehicle parks, and recreational camps in accordance with ~~the~~
 78 ~~provisions of~~ this chapter.

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

81 513.112 Maintenance of guest register and copy of laws.—

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

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

89 513.1115 Placement of recreational vehicles on lots in
 90 permitted parks.—

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

96 (4) ~~(3)~~ This section does not limit the regulation of the
 97 uniform firesafety standards established under s. 633.206.
 98 However, this section supersedes any county, municipality, or
 99 special district ordinance or regulation regarding the lot size,
 100 lot density, or separation or setback distance of a recreational

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101 vehicle park which goes into effect after the initial permitting
 102 and construction of the park.

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

105 513.115 Unclaimed property.—Any property having an
 106 identifiable owner which ~~is left in a recreational vehicle park~~
 107 ~~by a guest, other than property belonging to a guest who has~~
 108 ~~vacated the premises without notice to the operator and with an~~
 109 ~~outstanding account, which property~~ remains unclaimed after
 110 having been held by the park for 90 days after written notice
 111 was provided to the guest or the owner of the property, ~~7~~ becomes
 112 the property of the park. Any property that is left by a guest
 113 who has vacated the premises without notice to the operator and
 114 who has an outstanding account is considered abandoned property,
 115 and disposition thereof shall be governed by the Disposition of
 116 Personal Property Landlord and Tenant Act under s. 715.10 or
 117 under s. 705.185, as applicable.

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

120 513.118 Conduct on premises; refusal of service.—

121 (1) The operator of a recreational vehicle park may refuse
 122 to provide accommodations, ~~or~~ service, or access to the premises
 123 to any transient guest or visitor ~~person~~ whose conduct on the
 124 premises of the park displays intoxication, profanity, lewdness,
 125 or brawling; who indulges in such language or conduct as to

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126 | disturb the peace, quiet enjoyment, or comfort of other guests;
 127 | who engages in illegal or disorderly conduct; or whose conduct
 128 | constitutes a nuisance or safety hazard.

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

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

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

148 | 513.13 Recreational vehicle parks; ejection ~~eviction~~;
 149 | grounds; proceedings.—

150 | (1) The operator of any recreational vehicle park may

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151 remove or cause to be removed from such park, in the manner
152 provided in this section, any transient guest of the park who,
153 while on the premises of the park, illegally possesses or deals
154 in a controlled substance as defined in chapter 893; who ~~or~~
155 disturbs the peace, quiet enjoyment, and comfort of other
156 persons; who causes harm to the physical park; who violates the
157 posted park rules and regulations; or who fails to make payment
158 of rent at the rental rate agreed upon and by the time agreed
159 upon. The admission of a person to, or the removal of a person
160 from, any recreational vehicle park may ~~shall~~ not be based upon
161 race, color, national origin, sex, physical disability, or
162 creed.

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

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176 775.082 or s. 775.083.

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

187 (4) If any person is illegally on the premises of any
 188 recreational vehicle park, the operator of such park may call
 189 upon any law enforcement officer of this state for assistance.
 190 It is the duty of such law enforcement officer, upon the request
 191 of such operator, to remove from the premises or place under
 192 ~~arrest and take into custody for violation of this section~~ any
 193 guest who, according to the park operator, violated ~~violates~~
 194 subsection (1) or subsection (2) ~~in the presence of the officer~~.
 195 If a warrant has been issued by the proper judicial officer for
 196 the arrest of any guest who violates ~~violate~~ of subsection (1)
 197 or subsection (2), the officer shall serve the warrant, arrest
 198 the guest ~~person~~, and take the guest ~~person~~ into custody. Upon
 199 removal or arrest, with or without warrant, the guest is deemed
 200 to have abandoned or given up any right to occupancy ~~or to have~~

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201 ~~abandoned the guest's right to occupancy~~ of the premises of the
202 recreational vehicle park; and the operator of the park shall
203 employ all reasonable and proper means to care for any personal
204 property left on the premises by such guest and shall refund any
205 unused portion of moneys paid by such guest for the occupancy of
206 such premises. If conditions do not allow for immediate removal
207 of the guest's property, he or she may arrange a reasonable
208 time, not to exceed 48 hours, with the operator to come remove
209 the property, accompanied by a law enforcement officer.

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

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

217 527.01 Definitions.—As used in this chapter:

218 (18) "Recreational vehicle" means a motor vehicle that is
219 designed to provide temporary living quarters for recreational,
220 camping, or travel use and that has its own propulsion or is
221 mounted on or towed by another motor vehicle.

222 Section 10. Subsection (1) and paragraph (a) of subsection
223 (5) of section 527.0201, Florida Statutes, are amended to read:

224 527.0201 Qualifiers; master qualifiers; examinations.—

225 (1) In addition to the requirements of s. 527.02, a ~~any~~

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226 person applying for a license to engage in category I, category
227 II, or category V activities must prove competency by passing a
228 written examination administered by the department or its agent
229 with a grade of 70 percent or above in each area tested. Each
230 applicant for examination shall submit a \$20 nonrefundable fee.

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

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

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

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

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

250 c. Installing, servicing, or repairing recreational

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251 vehicle liquefied petroleum gas appliances and equipment.

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

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

265 (a) In order to apply for certification as a master
 266 qualifier, each applicant must have ~~been a registered qualifier~~
 267 ~~for~~ a minimum of 3 years of verifiable LP gas experience or hold
 268 a professional certification by an LP gas manufacturer as
 269 adopted by department rule immediately preceding submission of
 270 the application, must be employed by a licensed category I or
 271 category V licensee, or an applicant for such license, and must
 272 pass a master qualifier competency examination administered by
 273 the department or its agent. Master qualifier examinations shall
 274 be based on Florida's laws, rules, and adopted codes governing
 275 liquefied petroleum gas safety, general industry safety

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276 standards, and administrative procedures. The applicant must
277 successfully pass the examination with a grade of 70 percent or
278 above. Each applicant for master qualifier registration must
279 submit to the department a nonrefundable \$30 examination fee
280 before the examination.

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