

1                   A bill to be entitled  
2           An act relating to regulation of recreational  
3           activities; amending s. 513.012, F.S.; revising  
4           legislative intent; amending s. 513.02, F.S.;  
5           providing a timeframe for the application of a permit;  
6           amending s. 513.051, F.S.; preempting to the  
7           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 ordinances or  
15          regulations; amending s. 513.115, F.S.; specifying  
16          when certain property becomes abandoned; providing for  
17          disposition of such property; amending s. 513.118,  
18          F.S.; authorizing a park operator to refuse access to  
19          the premises and to eject transient guests or visitors  
20          based on specified conduct; providing that a person  
21          who refuses to leave the park premises commits the  
22          offense of trespass; providing immunity from liability  
23          for certain law enforcement officers; providing an  
24          exception; providing for removal of property; amending  
25          s. 513.13, F.S.; providing for ejection from a park

26 and specifying grounds and requirements therefor;  
 27 providing for removal of property; amending s.  
 28 514.0115, F.S.; providing that certain surf pools are  
 29 exempt from supervision and regulation by the  
 30 department under certain circumstances until the  
 31 department adopts certain rules; providing  
 32 construction; providing a definition; amending s.  
 33 553.77, F.S.; conforming a cross-reference; providing  
 34 an effective date.

35

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

37

38 Section 1. Section 513.012, Florida Statutes, is amended  
 39 to read:

40 513.012 Public health laws; enforcement.—It is the intent  
 41 of the Legislature that mobile home parks, lodging parks,  
 42 recreational vehicle parks, and recreational camps be  
 43 exclusively regulated under this chapter. As such, the  
 44 department shall administer and enforce, with respect to such  
 45 parks and camps, laws and rules relating to sanitation, control  
 46 of communicable diseases, illnesses and hazards to health among  
 47 humans and from animals to humans, and permitting and  
 48 operational matters in order to protect the general health and  
 49 well-being of the residents ~~people of~~ and visitors to the state.  
 50 However, nothing in this chapter qualifies a mobile home park, a

51 lodging park, a recreational vehicle park, or a recreational  
 52 camp for a liquor license issued under s. 561.20(2)(a)1. Mobile  
 53 home parks, lodging parks, recreational vehicle parks, and  
 54 recreational camps regulated under this chapter are exempt from  
 55 regulation under the provisions of chapter 509.

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

58 513.02 Permit.—

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

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

67 513.051 Preemption.—The department is the exclusive  
 68 regulatory and permitting authority for sanitary and permitting  
 69 standards for all mobile home parks, lodging parks, recreational  
 70 vehicle parks, and recreational camps in accordance with ~~the~~  
 71 ~~provisions of~~ this chapter.

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

74 513.112 Maintenance of guest register and copy of laws.—

75 (3) When a guest occupies a recreational vehicle in a

76 recreational vehicle park for less than 6 months, as evidenced  
 77 by the length of stay shown in the guest register, there is a  
 78 rebuttable presumption that the occupancy is transient.

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

82 513.1115 Placement of recreational vehicles on lots in  
 83 permitted parks.-

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

89 (4) ~~(3)~~ This section does not limit the regulation of the  
 90 uniform firesafety standards established under s. 633.206.  
 91 However, this section shall supersede any other county,  
 92 municipality, or special district ordinance or regulation  
 93 regarding the lot size, lot density, or separation or setback  
 94 distance of a recreational vehicle park which goes into effect  
 95 after the initial permitting and construction of the park.

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

98 513.115 Unclaimed property.-Any property having an  
 99 identifiable owner which ~~is left in a recreational vehicle park~~  
 100 ~~by a guest, other than property belonging to a guest who has~~

101 ~~vacated the premises without notice to the operator and with an~~  
102 ~~outstanding account, which property~~ remains unclaimed after  
103 having been held by a ~~the~~ park for 90 days after written notice  
104 was provided to the guest or the owner of the property, ~~7~~ becomes  
105 the property of the park. Any property that is left by a guest  
106 who has vacated the premises without notice to the operator and  
107 who has an outstanding account is considered abandoned property,  
108 and disposition thereof shall be governed by the Disposition of  
109 Personal Property Landlord and Tenant Act under s. 715.10 or  
110 under s. 705.185, as applicable.

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

113 513.118 Conduct on premises; refusal of service.—

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

122 (2) The operator of a recreational vehicle park may  
123 request that a transient guest or visitor who violates  
124 subsection (1) leave the premises immediately. A person who  
125 refuses to leave the premises commits the offense of trespass as

126 provided in s. 810.08 and the operator may call a law  
 127 enforcement officer to have the person and his or her property  
 128 removed under the supervision of the officer. A law enforcement  
 129 officer is not liable for any claim involving the removal of the  
 130 person or property from the recreational vehicle park under this  
 131 section, except as provided in s. 768.28. If conditions do not  
 132 allow for immediate removal of the person's property, he or she  
 133 may arrange a reasonable time, not to exceed 48 hours, with the  
 134 operator to come remove the property, accompanied by a law  
 135 enforcement officer.

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

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

141 513.13 Recreational vehicle parks; ejection ~~eviction~~;  
 142 grounds; proceedings.—

143 (1) The operator of any recreational vehicle park may  
 144 remove or cause to be removed from such park, in the manner  
 145 provided in this section, any transient guest of the park who,  
 146 while on the premises of the park, illegally possesses or deals  
 147 in a controlled substance as defined in chapter 893; who ~~or~~  
 148 disturbs the peace, quiet enjoyment, and comfort of other  
 149 persons; who causes harm to the physical park; who violates the  
 150 posted park rules and regulations; or who fails to make payment

151 of rent at the rental rate agreed upon and by the time agreed  
152 upon. The admission of a person to, or the removal of a person  
153 from, any recreational vehicle park may ~~shall~~ not be based upon  
154 race, color, national origin, sex, physical disability, or  
155 creed.

156 (2) The operator of any recreational vehicle park shall  
157 notify such guest that the park no longer desires to entertain  
158 the guest and shall request that such guest immediately depart  
159 from the park. Such notice shall be given in writing, as  
160 follows: "You are hereby notified that this recreational vehicle  
161 park no longer desires to entertain you as its guest, and you  
162 are requested to leave at once. To remain after receipt of this  
163 notice is a misdemeanor under the laws of this state." If such  
164 guest has paid in advance, the park shall, at the time such  
165 notice is given, tender to the guest the unused portion of the  
166 advance payment. Any guest who remains or attempts to remain in  
167 such park after being requested to leave commits ~~is guilty of a~~  
168 misdemeanor of the second degree, punishable as provided in s.  
169 775.082 or s. 775.083.

170 (3) If a guest has accumulated an outstanding account in  
171 excess of an amount equivalent to 3 ~~three~~ nights' rent at a  
172 recreational vehicle park, the operator may disconnect all  
173 utilities of the recreational vehicle and notify the guest that  
174 the action is for the purpose of requiring the guest to confront  
175 the operator or permittee and arrange for the payment of the

176 | guest's account. Such arrangement must be in writing, and a copy  
177 | shall be furnished to the guest. Upon entering into such  
178 | agreement, the operator shall reconnect the utilities of the  
179 | recreational vehicle.

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



201 time, not to exceed 48 hours, with the operator to come remove  
 202 the property, accompanied by a law enforcement officer.

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

208 Section 9. Subsection (7) of section 514.0115, Florida  
 209 Statutes, is renumbered as subsection (8), and a new subsection  
 210 (7) is added to that section, to read:

211 514.0115 Exemptions from supervision or regulation;  
 212 variances.—

213 (7) A surf pool that is larger than 4 acres is exempt from  
 214 supervision and regulation under this chapter until the  
 215 department adopts rules for such supervision and regulation,  
 216 provided that the surf pool is permitted by a local government  
 217 under a special use permitting process in which the local  
 218 government asserts regulatory authority over the construction of  
 219 the surf pool and, in consultation with the department,  
 220 establishes the conditions for the surf pool's operation, water  
 221 quality, and necessary lifesaving equipment. This subsection  
 222 does not affect the department's or a county health department's  
 223 right of entry under s. 514.04 or its authority to seek an  
 224 injunction under s. 514.06 to restrain the operation of a surf  
 225 pool permitted and operated under this subsection if the surf

226 pool presents a significant risk to public health. For purposes  
227 of this subsection, the term "surf pool" means a pool that is  
228 intended for sport, designed to generate waves, and dedicated to  
229 the activity of surfing on a surfboard or an analogous surfing  
230 device commonly used in the ocean. The term does not include  
231 wave pools, other large-scale public swimming pools, or other  
232 public bathing places that are intended for recreational use.

233 Section 10. Subsection (7) of section 553.77, Florida  
234 Statutes, is amended to read:

235 553.77 Specific powers of the commission.—

236 (7) Building officials shall recognize and enforce  
237 variance orders issued by the Department of Health under s.  
238 514.0115(8) ~~pursuant to s. 514.0115(7)~~, including any conditions  
239 attached to the granting of the variance.

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