

**CS/SB 746** by **BI, Bean**; (Similar to CS/H 00529) Florida Fire Prevention Code

**CS/SB 1252** by **HP, Passidomo**; (Similar to H 00513) Distributing Pharmaceutical Drugs and Devices

**CS/SB 1400** by **CA, Steube, Simmons (CO-INTRODUCERS) Brandes**; (Compare to H 00773) Vacation Rentals

607912	A	S	RCS	RI, Hutson	Delete L.121 - 144:	02/09 11:06 AM
855834	A	S	RCS	RI, Steube	Delete L.553 - 557:	02/09 11:06 AM
330130	A	S	RS	RI, Steube	Delete L.700 - 715:	02/09 11:06 AM
335180	SA	S	RCS	RI, Steube	Delete L.700 - 715:	02/09 11:06 AM
<del>403792</del>	A	S	WD	RI, Gibson	btw L.1497 - 1498:	02/09 11:06 AM
<del>108410</del>	A	S	WD	RI, Thurston	btw L.1497 - 1498:	02/09 11:06 AM

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**REGULATED INDUSTRIES**  
**Senator Hutson, Chair**  
**Senator Hukill, Vice Chair**

**MEETING DATE:** Thursday, February 8, 2018  
**TIME:** 12:30—2:00 p.m.  
**PLACE:** *Toni Jennings Committee Room*, 110 Senate Office Building

**MEMBERS:** Senator Hutson, Chair; Senator Hukill, Vice Chair; Senators Benacquisto, Bracy, Brandes, Braynon, Gibson, Steube, Thurston, and Young

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>CS/SB 746</b> Banking and Insurance / Bean (Similar CS/H 529)	Florida Fire Prevention Code; Requiring that doorstep refuse and recycling collection containers be allowed in exit corridors of certain apartment occupancies under certain circumstances; authorizing authorities having jurisdiction to approve certain alternative containers and storage arrangements, etc.  BI     01/23/2018 Fav/CS RI     02/08/2018 Favorable RC	Favorable Yeas 8 Nays 0
2	<b>CS/SB 1252</b> Health Policy / Passidomo (Similar H 513)	Distributing Pharmaceutical Drugs and Devices; Revising an exception to pharmacy regulations for certain manufacturers and distributors of dialysis drugs or supplies, etc.  HP     01/23/2018 Fav/CS RI     02/08/2018 Favorable RC	Favorable Yeas 8 Nays 0
3	<b>CS/SB's 1400 &amp; 1640</b> Community Affairs / Steube / Simmons (Compare H 773)	Vacation Rentals; (THIS BILL COMBINES S1400 & 1640) Creating the "Florida Vacation Rental Act"; preempting certain regulation and control of vacation rentals to the state; specifying authority of the Division of Hotels and Restaurants over regulation of vacation rentals; requiring vacation rentals to obtain a license; specifying that vacation rentals are to be treated as transient rentals regarding certain landlord and tenant provisions; requiring the division to inspect vacation rentals when necessary to respond to emergencies and epidemiological conditions, etc.  CA     01/30/2018 Fav/CS Combined - Lead RI     02/08/2018 Fav/CS AP	Fav/CS Yeas 9 Nays 1

Other Related Meeting Documents

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Regulated Industries

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BILL: CS/SB 746

INTRODUCER: Banking and Insurance Committee and Senator Bean

SUBJECT: Florida Fire Prevention Code

DATE: February 8, 2018

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Matiyow</u>	<u>Knudson</u>	<u>BI</u>	<u>Fav/CS</u>
2.	<u>Kraemer</u>	<u>McSwain</u>	<u>RI</u>	<u>Favorable</u>
3.	_____	_____	<u>RC</u>	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 746 establishes a three-year exemption to the Florida Fire Prevention Code to allow for the limited placement of waste containers and waste within the hallways of apartment buildings that utilize a doorstep refuse and recycling collection service.

A doorstep waste collection service may operate in apartment buildings with enclosed corridors served by interior or exterior exit stairs, if waste is not placed in exit access corridors for longer than five hours; waste containers do not occupy exit access corridors for longer than 12 hours; and effective January 1, 2020, waste containers do not exceed 13 gallons. For apartment buildings with open-air corridors or balconies serviced by exterior stairs, waste cannot be placed in exit access corridors for longer than five hours; there is no limit on how long waste containers may occupy access corridors; and effective January 1, 2020, waste containers may not exceed 27 gallons.

In all cases the waste containers cannot reduce the means of egress width below that required under NFPA Life Safety Code 101:31. Additionally, the management of an apartment complex utilizing a doorstep waste collection service that would operate under this new law must have written policies and procedures in place, and enforce them to insure compliance. A copy of such policies and procedures can be requested and must be provided to the authority having jurisdiction.

The bill has a legislative intent statement to make clear the requirements in the bill are not intended to set precedent for future changes to the Florida Fire Prevention Code.

The three-year exemption for the limited placement of waste containers and waste within the hallways of apartment buildings that utilize a doorstep waste collection service expires January 1, 2021.

SB 746 has no impact on state government.

The bill has an effective date of July 1, 2018.

## II. Present Situation:

### State Fire Prevention – State Fire Marshal

Florida's fire prevention and control law, ch. 633, F.S., designates the state's Chief Financial Officer as the State Fire Marshal. The State Fire Marshal, through the Division of State Fire Marshal within the Department of Financial Services (DFS), is charged with enforcing the provisions of ch. 633, F.S., and all other applicable laws relating to fire safety, and has the responsibility to minimize the loss of life and property in this state due to fire.<sup>1</sup> Pursuant to this authority, the State Fire Marshal regulates, trains, and certifies fire service personnel and fire safety inspectors; investigates the causes of fires; enforces arson laws; regulates the installation of fire equipment; conducts fire safety inspections of state property; and operates the Florida State Fire College.<sup>2</sup>

### Adoption and Interpretation of the Florida Fire Prevention Code

The State Fire Marshal also adopts by rule<sup>3</sup> the Florida Fire Prevention Code (Fire Code), which contains all fire safety laws and rules that pertain to the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities, and the enforcement of such fire safety laws and rules.

The State Fire Marshal adopts a new edition of the Fire Code every three years.<sup>4</sup> When adopting the Fire Code the Fire Marshal is required to adopt the most current version of the national fire and life safety standards set forth by the National Fire Protection Association (NFPA),<sup>5</sup> including the:

- NFPA's Fire Code (Standard 1);
- Life Safety Code (NFPA 101); and

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<sup>1</sup> Section 633.104, F.S.

<sup>2</sup> See ss. 633.104, 633.106, 633.112, 633.115, 633.126, and 633.128, F.S.

<sup>3</sup> See Fla. Admin. Code R. Ch. 69A-60 (2018) at <https://www.flrules.org/gateway/ChapterHome.asp?Chapter=69A-60> (last visited Feb. 1, 2018).

<sup>4</sup> Section 633.202, F.S.

<sup>5</sup> Section 633.202(2), F.S. Founded in 1896, the National Fire Protection Association delivers information and knowledge through more than 300 consensus codes and standards, research, training, education, outreach and advocacy; and by partnering with others who share an interest in furthering the mission. NFPA, *About NFPA*, <http://www.nfpa.org/about-nfpa> (last visited on January 17, 2018).

- Guide on Alternative Approaches to Life Safety (NFPA 101A).<sup>6</sup>

The State Fire Marshal may modify the national fire safety and life safety standards as needed to accommodate the specific needs of the state.<sup>7</sup>

The most recent Fire Code is the 6th edition, referred to as the 2017 Florida Fire Prevention Code which took effect on December 31, 2017.<sup>8</sup> The State Marshal has authority to interpret the Fire Code, and is the only authority that may issue a declaratory statement relating to the Fire Code.<sup>9</sup>

### **Fire Safety Enforcement by Local Governments**

State law requires all municipalities, counties, and special districts with fire safety responsibilities to enforce the Fire Code as the minimum fire prevention code to operate uniformly among local governments and in conjunction with the Florida Building Code.<sup>10</sup> These local enforcing authorities may adopt more stringent fire safety standards, subject to certain requirements in s. 633.208, F.S., but may not enact fire safety ordinances that conflict with ch. 633, F.S., or any other state law.<sup>11</sup>

The chiefs of local government fire service providers (or their designees) are authorized to enforce ch. 633, F.S., and rules within their respective jurisdictions as agents of those jurisdictions, not agents of the State Fire Marshal.<sup>12</sup> Each county, municipality, and special district with fire safety enforcement responsibilities is required to employ or contract with a fire safety inspector (certified by the State Fire Marshal) to conduct all fire safety inspections required by law.<sup>13</sup>

Section 633.208(5), F.S., provides “[w]ith regard to existing buildings, the Legislature recognizes that it is not always practical to apply any or all of the provisions of the Florida Fire Prevention Code and that physical limitations may require disproportionate effort or expense with little increase in fire or life safety.” Local fire officials must apply the Fire Code for existing buildings to the extent practical to ensure a reasonable degree of life safety and safety of property.<sup>14</sup> The local fire officials are also required to fashion reasonable alternatives that afford an equivalent degree of life safety and safety of property.<sup>15</sup>

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<sup>6</sup> See ss. 633.202(1) and 633.208(5), F.S.

<sup>7</sup> *Id.*

<sup>8</sup> See <https://www.myfloridacfo.com/Division/SFM/BFP/FloridaFirePreventionCodePage.htm> (last visited Feb. 1, 2018), for access to a read-only version of the Fire Code, which consists of 1295 pages. The Fire Code is also available for purchase. *Id.*

<sup>9</sup> Section 633.104(6), F.S.

<sup>10</sup> Sections 633.108 and 633.208, F.S.

<sup>11</sup> Sections 633.208 and 633.214(4), F.S.

<sup>12</sup> Section 633.118, F.S.

<sup>13</sup> Section 633.216(1), F.S.

<sup>14</sup> Section 633.208(5), F.S.

<sup>15</sup> *Id.*

## Florida Building Code

Part IV of ch. 553, F.S., the Florida Building Codes Act, provides a mechanism for the uniform adoption, updating, amendment, interpretation, and enforcement of the Florida Building Code<sup>16</sup> by the Florida Building Commission (commission).<sup>17</sup> The commission reviews the most current updates of various international codes published by the International Code Council,<sup>18</sup> as well as the National Electric Code, every three years to determine if the Building Code requires updating to maintain eligibility for federal funding.<sup>19</sup>

## Means of Egress

A means of egress is a path available for a person to leave a building. A means of egress is made up of three parts, which includes the:

- Exit access;
- Exit; and
- Exit discharge<sup>20</sup>

The exit access is a path, such as a hallway or corridor, from any location in the building to an exit. The exit is usually a door leading outside, or in a multi-story building, an enclosed stairway. The exit discharge is a path from the exit to a space that is dedicated to public use such as a street or alley.<sup>21</sup>

The Fire Code provides that a building's means of egress must be a certain width determined by the number of occupants in the building and the use of the building.<sup>22</sup> The Fire Code further provides that a building's means of egress must be free of all obstructions or impediments in case of fire or other emergency.<sup>23</sup>

The Building Code<sup>24</sup> also provides that a building's means of egress must be a certain width determined by the number of occupants in the building.<sup>25</sup> The Building Code provides that the *required width* of a building's means of egress must be free of all obstructions and impediments.<sup>26</sup>

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<sup>16</sup> The Florida Building Code is a single set of documents that apply to the design, construction, erection, alteration, modification, repair, or demolition of public or private buildings, structures, or facilities, and to the enforcement of such requirements. See s. 553.72(1), F.S., which also indicates that effective and reasonable protection for public safety, health, and general welfare at the most reasonable cost to the consumer is also intended.

<sup>17</sup> See s. 553.72(3), F.S. The commission is housed within the Department of Business and Professional Regulation (DBPR).

<sup>18</sup> See s. 553.72(1), F.S.

<sup>19</sup> Section 553.73(7)(a), F.S.

<sup>20</sup> Section 3.3.176 of the 6<sup>th</sup> edition of the Florida Fire Prevention Code (NFPA 1, Fire Code).

<sup>21</sup> International Code Council, *Accessible Means of Egress*,

<https://www.iccsafe.org/safety/Documents/MeansofEgressBroch.pdf> (last visited Feb. 1, 2018).

<sup>22</sup> See Section 7.3.4 of the 6<sup>th</sup> edition of the Florida Fire Prevention Code (NFPA 101, Life Safety Code).

<sup>23</sup> Section 7.1.10.1 of the 6<sup>th</sup> edition of the Florida Fire Prevention Code (NFPA 101, Life Safety Code).

<sup>24</sup> The Building Code may be reviewed at <https://codes.iccsafe.org/public/document/FBC2017> (last visited Feb. 1, 2018).

<sup>25</sup> Section 1005 of the 6<sup>th</sup> edition of the Florida Building Code (Building).

<sup>26</sup> Section 1018.1, 1020.3, and 1024.2 of the 6<sup>th</sup> edition of the Florida Building Code (Building).

However, the Building Code provides that maintenance of a building's means of egress must be in accordance with the Fire Code.<sup>27</sup> The Department of Business and Professional Regulation (DBPR) has interpreted this to mean that the Fire Code takes precedence when it comes to people placing objects, such as a trashcan, in a building's means of egress.<sup>28</sup>

### **Combustible Waste and Refuse**

The Fire Code defines *combustible waste* as “combustible or loose waste material that is generated by an establishment or process and, if salvageable, is retained for scrap or reprocessing on the premises where generated or transported to a plant for processing.”<sup>29</sup>

The Fire Code defines *combustible refuse* as “combustible or loose rubbish, litter, or waste materials generated by an occupancy that are refused, rejected, or considered worthless and are disposed of by incineration on the premises where generated or periodically transported from the premises.”<sup>30</sup>

Combustible waste and combustible refuse may be stored in an apartment building if the combustible waste and combustible refuse is:

- Stored in a container less than 1.5 cubic yards (302 gallons);
- Stored in an enclosed area with a one hour fire resistance rating and an automatic sprinkler system;
- Removed from the building once each working day unless the waste and refuse is stored in a noncombustible room; and
- Not stored in the building's exit(s).<sup>31</sup>

### **Private Doorstep Waste Collection Providers**

Currently, various providers offer doorstep waste collection services to apartment complexes throughout the state. According to the DFS, the basic business model requires the residents of an apartment building to place their waste outside of their doorstep, in a specified container approved by the provider.<sup>32</sup> The waste collection companies collect the contents of the containers at a specified time.<sup>33</sup>

An apartment complex resident's front door typically opens to a hallway, corridor, or walkway, which is usually the building's exit access and therefore part of the building's means of egress. According to the DFS, the Fire Code does not allow the storage of combustible material in exits.<sup>34</sup>

<sup>27</sup> Section 1001.3 of the 6<sup>th</sup> edition of the Florida Building Code (Building).

<sup>28</sup> Email from Department of Business and Professional Regulation staff, to Senate Committee on Banking and Insurance staff (Dec. 18, 2017) (on file with Senate Committee on Regulated Industries).

<sup>29</sup> Section 3.3.62 of the 6<sup>th</sup> edition of the Florida Fire Prevention Code (NFPA 1, Fire Code).

<sup>30</sup> Section 3.3.61 of the 6<sup>th</sup> edition of the Florida Fire Prevention Code (NFPA 1, Fire Code).

<sup>31</sup> See Sections 10.18.4, 19.2.1.3, 19.2.1.4 and 19.2.1.4.1 of the 6<sup>th</sup> edition of the Florida Fire Prevention Code (NFPA 1, Fire Code).

<sup>32</sup> See *Department of Financial Services Analysis for SB 746*, dated Nov. 9, 2017 (on file with Senate Committee on Regulated Industries) at page 1.

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

In two recent declaratory statements, the State Fire Marshal determined that apartments may not allow residents to place refuse and recycling containers outside their front doors regardless of the size of the container or if the container's contents are removed daily. The State Fire Marshal determined that the Fire Code prohibits apartment residents from placing any type of combustible material may be stored in containers outside their doors because the residents are placing obstructions in a building's means of egress and combustible waste in a building's exit.<sup>35</sup>

### III. Effect of Proposed Changes:

**Section 1** of the bill amends s. 633.202(20), F.S., to establish a three-year exemption to the Fire Code to allow for the limited placement of refuse and recycling containers and waste within the hallways of apartment buildings that utilize a doorstep waste pickup service.

A doorstep waste collection service may operate in apartment buildings with enclosed corridors served by interior or exterior exit stairs, if waste is not placed in exit access corridors for longer than five hours; waste containers do not occupy exit access corridors for longer than 12 hours; and effective January 1, 2020, waste containers do not exceed 13 gallons. For apartment buildings with open-air corridors or balconies serviced by exterior stairs waste cannot be placed in exit access corridors for longer than 5 hours; there is no limit on how long waste containers may occupy access corridors; and effective January 1, 2020, waste containers may not exceed 27 gallons.

In all cases the management of an apartment complex utilizing a doorstep waste collection service that would operate under this new law must have written policies and procedures in place and enforce them to insure compliance. A copy of such policies and procedures can be requested and must be provided to the authority having jurisdiction. Additionally, waste containers may not reduce the means of egress width below that required under NFPA Life Safety Code 101:31.

The bill would preempt NFPA 101:7.1.10.1 which provides that the "means of egress shall be continuously maintained free of all obstructions or impediments to full instant use in the case of fire or other emergency."

Based on the two declaratory statements issued by the State Fire Marshal, the operations of doorstep waste collection services that comply with the provisions in the bill would be exempt from the following Fire Code requirements:<sup>36</sup>

- NFPA 1:19.1.3 (combustible waste or refuse shall be properly stored or disposed of to prevent unsafe conditions).
- NFPA 1:10.19.4 (combustible material shall not be stored in exits).
- NFPA 101:7.1.10.1 (means of egress shall be continuously maintained free of all obstructions or impediments to full instant use in the case of fire or other emergency).
- NFPA 1:19.2.1.2.1 (requirements for nonmetallic rubbish containers exceeding a capacity of 40 gallons may be enforced only from January 1, 2020, to January 1, 2021.)

<sup>35</sup> See *In the matter of: William Harrison, Fire Marshal, Clermont Fire Department*, Case No.: 188696-16-DS (Fla. DFS) (Jun. 21, 2016) and *In the matter of: Steve Strong, Fire Marshal, Clearwater Fire & Rescue*, Case No.: 196979-16-DS (Fla. DFS) (Dec. 23, 2016) (on file with Senate Committee on Regulated Industries).

<sup>36</sup> *Id.*



The bill contains a legislative intent statement that:

- The legislature intends to allow doorstep refuse and recycling collection containers in exit corridors pursuant to the requirements in the bill until the adoption of the next edition of the Fire Code; and
- The requirements in the bill do not establish precedent regarding standards for such collection containers in exit corridors in future editions of the Fire Code, and that the State Fire Marshal exercise independent discretion when adopting such standards.

CS/SB 746 sunsets the Fire Code exemptions created by the bill effective January 1, 2021.

**Section 2** provides an effective date of July 1, 2018.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Doorstep waste refuse and recycling collection services will be allowed to operate in apartment buildings while changes are pursued to the Fire Code.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 633.202 of the Florida Statutes.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Banking and Insurance on January 23, 2018:**

The CS:

- Delays enforcement on waste container size until January 1, 2020.
- Provides a legislative intent statement.
- Provides a sunset date of January 1, 2021.

- B. **Amendments:**

None.

By the Committee on Banking and Insurance; and Senator Bean

597-02380-18

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1 A bill to be entitled

2 An act relating to the Florida Fire Prevention Code;  
3 amending s. 633.202, F.S.; requiring that doorstep  
4 refuse and recycling collection containers be allowed  
5 in exit corridors of certain apartment occupancies  
6 under certain circumstances; authorizing authorities  
7 having jurisdiction to approve certain alternative  
8 containers and storage arrangements; prohibiting such  
9 authorities from enforcing specified provisions until  
10 a specified date; providing legislative intent;  
11 providing for expiration; providing an effective date.  
12

13 Be It Enacted by the Legislature of the State of Florida:  
14

15 Section 1. Subsection (20) is added to section 633.202,  
16 Florida Statutes, to read:

17 633.202 Florida Fire Prevention Code.—

18 (20) (a) In apartment occupancies with enclosed corridors  
19 served by interior or exterior exit stairs, doorstep refuse and  
20 recycling collection containers must be allowed in exit  
21 corridors when all of the following conditions exist:

22 1. The maximum waste container size does not exceed 13  
23 gallons.

24 2. Waste is not placed in the exit access corridors for  
25 single periods exceeding 5 hours.

26 3. Waste containers do not occupy the exit access corridors  
27 for single periods exceeding 12 hours.

28 4. Waste containers do not reduce the means of egress width  
29 below that required under NFPA Life Safety Code 101:31, as

597-02380-18

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30 adopted under the Florida Fire Prevention Code.

31 5. Management staff have written policies and procedures in  
32 place and enforce them to ensure compliance with this  
33 subsection, and, upon request, provide a copy of such policies  
34 and procedures to the authority having jurisdiction.

35 (b) In apartment occupancies with open-air corridors or  
36 balconies served by exterior exit stairs, doorstep refuse and  
37 recycling collection containers must be allowed in exit  
38 corridors when all of the following conditions exist:

39 1. The maximum waste container size does not exceed 27  
40 gallons.

41 2. Waste is not placed in the exit access corridors for  
42 single periods exceeding 5 hours.

43 3. Waste containers do not reduce the means of egress width  
44 below that required under NFPA Life Safety Code 101:31, as  
45 adopted under the Florida Fire Prevention Code.

46 4. Management staff have written policies and procedures in  
47 place and enforce them to ensure compliance with this  
48 subsection, and, upon request, provide a copy of such policies  
49 and procedures to the authority having jurisdiction.

50 (c) The authority having jurisdiction may approve  
51 alternative containers and storage arrangements that are  
52 demonstrated to provide an equivalent level of safety to that  
53 provided under paragraphs (a) and (b).

54 (d) The authority having jurisdiction may not enforce  
55 subparagraphs (a)1. and (b)1. until January 1, 2020.

56 (e) It is the intent of the Legislature to allow doorstep  
57 refuse and recycling collection containers in exit corridors  
58 pursuant to this subsection until adoption of the next edition

597-02380-18

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59 of the Florida Fire Prevention Code. The Legislature intends  
60 that this subsection does not establish precedent regarding  
61 standards for doorstep refuse and recycling collection  
62 containers in exit corridors in subsequent editions of the  
63 Florida Fire Prevention Code and that the State Fire Marshal  
64 exercise independent discretion when adopting such standards.

65 (f) This subsection expires January 1, 2021.

66 Section 2. This act shall take effect July 1, 2018.



The Florida Senate

## Committee Agenda Request

**To:** Senator Travis Hutson, Chair  
Committee on Regulated Industries

**Subject:** Committee Agenda Request

**Date:** January 26, 2018

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I respectfully request that **Senate Bill # 746**, relating to Florida Fire Prevention Code, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink that reads "Aaron Bean". The signature is written in a cursive style and is positioned above a horizontal line.

\_\_\_\_\_  
Senator Aaron Bean  
Florida Senate, District 4

APPEARANCE RECORD

2/8/18

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 746

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name COURTNEY BARNARD

Job Title GOV. AFFAIRS DIRECTOR

Address 105 E. Robinson #301

Street

Phone 407-960-2910

ORLANDO

FL

32801

City

State

Zip

Email COURTNEY@FAAHO.ORG

Speaking: [ ] For [ ] Against [ ] Information

Waive Speaking: [x] In Support [ ] Against (The Chair will read this information into the record.)

Representing FLORIDA APARTMENT ASSN

Appearing at request of Chair: [ ] Yes [x] No

Lobbyist registered with Legislature: [x] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/8/18

Meeting Date

746

Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name JUSTIN FROST

Job Title Owner Affinity Waste

Address 4847 Ohio Ave

Phone 407-808-0550

Street

Sanford FL

32771

Email jfrost@affinitywasteresolutions.com

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Affinity

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.



# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

746

Meeting Date \_\_\_\_\_

Bill Number (if applicable) \_\_\_\_\_

Topic \_\_\_\_\_

Amendment Barcode (if applicable) \_\_\_\_\_

Name JEFF JOHNSTON

Job Title Lobbyist

Address 112 E. JEFFERSON ST.

Phone 813 777-9858

Street

Tallahassee FL

Email JEFF@CORCORANTIRM.COM

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing VALET Living

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

**This form is part of the public record for this meeting.**

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Regulated Industries

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BILL: CS/SB 1252

INTRODUCER: Health Policy Committee and Senator Passidomo

SUBJECT: Distributing Pharmaceutical Drugs and Devices

DATE: February 8, 2018

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Looke</u>	<u>Stovall</u>	<u>HP</u>	<b>Fav/CS</b>
2.	<u>Kraemer</u>	<u>McSwain</u>	<u>RI</u>	<b>Favorable</b>
3.	_____	_____	<u>AP</u>	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1252 exempts any manufacturer holding a manufacturer permit, or its agent that holds a manufacturer or third party logistics provider permit, under the Florida Drug and Cosmetic Act,<sup>1</sup> from the requirements of the Florida Pharmacy Act<sup>2</sup> for the distribution of dialysate,<sup>3</sup> drugs, or devices that are necessary to perform home renal dialysis under certain circumstances.

The bill has no impact on state government.

CS/SB 1252 bill takes effect upon becoming law.

**II. Present Situation:**

**Kidney Disease and Renal Dialysis**

Chronic kidney disease is a condition in which a person gradually loses kidney function over time, and includes conditions that damage the kidneys and decrease their ability to process

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<sup>1</sup> See ss. 499.001 through 499.94, F.S.

<sup>2</sup> See ch. 465, F.S.

<sup>3</sup> Dialysate is a fluid used in dialysis to pull toxins from blood. See <https://www.merriam-webster.com/dictionary/dialysate> (last visited Feb. 1, 2018).

waste.<sup>4</sup> Renal dialysis is a common treatment for individuals with chronic kidney failure, and is used to:<sup>5</sup>

- Remove waste, salt, and extra water to prevent build up in the body;
- Maintain a safe level of certain chemicals in the blood, such as potassium, sodium, and bicarbonate; and
- Control blood pressure.

Renal dialysis may be performed in a hospital, in a dialysis unit that is not part of a hospital, or in a person's home.<sup>6</sup> Additionally, there are two types of dialysis, hemodialysis and peritoneal dialysis.

In hemodialysis, an artificial kidney, called a hemodialyzer, is used to remove waste and extra chemicals and fluid from the blood.<sup>7</sup> Blood is pumped out of the body and into the hemodialyzer to be cleaned. The dialyzer, or filter, has two parts, separated by a thin membrane: one for blood and one for a washing fluid, called dialysate.<sup>8</sup> Blood cells and proteins remain in the blood because they are too large to pass through the membrane; however, smaller waste products, such as urea, creatinine, potassium, and extra fluid pass through the membrane and are washed away.<sup>9</sup> The filtered blood is returned to the body when the process is complete.<sup>10</sup>

In peritoneal dialysis, the inside lining of the abdominal cavity acts as a natural filter and wastes are taken out with dialysate, which is washed in and out of the abdominal cavity in cycles.<sup>11</sup> A catheter is surgically inserted into the abdominal cavity and is used to transfer the dialysate into and out of the abdominal cavity.<sup>12</sup> There are two kinds of peritoneal dialysis, continuous ambulatory peritoneal dialysis and automated peritoneal dialysis.<sup>13</sup> The former is manual and done while the person receiving treatment goes about normal daily activities, and the latter is a machine cyler that is usually done overnight, while the person is asleep.<sup>14</sup>

### **Regulation of Pharmacies and Pharmacists**

Pursuant to ch. 465, F.S., the Florida Board of Pharmacy, within the Department of Health (DOH), licenses and regulates the practice of pharmacy, including community pharmacies,<sup>15</sup>

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<sup>4</sup> See National Kidney Foundation, *About Chronic Kidney Disease*, (February 15, 2017) at <https://www.kidney.org/kidneydisease/aboutckd> (last visited Feb. 1, 2018).

<sup>5</sup> See National Kidney Foundation, *Dialysis* at <https://www.kidney.org/atoz/content/dialysisinfo> (last visited Feb. 1, 2018).

<sup>6</sup> *Id.*

<sup>7</sup> National Kidney Foundation, *Hemodialysis*, <https://www.kidney.org/atoz/content/hemodialysis> (last visited Feb. 1, 2018).

<sup>8</sup> National Kidney Foundation, *Peritoneal Dialysis: What You Need to Know*, <https://www.kidney.org/atoz/content/peritoneal> (last visited Feb. 1, 2018).

<sup>9</sup> *Supra* note 7.

<sup>10</sup> *Supra* note 8.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> A community pharmacy includes every location where medicinal drugs are compounded, dispensed, stored, or sold, or where prescriptions are filled or dispensed on an outpatient basis. Section 465.003(11)(a)1., F.S.

institutional pharmacies,<sup>16</sup> nuclear pharmacies,<sup>17</sup> special pharmacies,<sup>18</sup> and internet pharmacies.<sup>19</sup> The board regulates the operation of pharmacies and disciplines pharmacies for failure to comply with state and federal regulations.<sup>20</sup> One aspect of the practice of pharmacy involves the dispensing of prescription drugs pursuant to a physician's prescription or order.<sup>21</sup>

### ***Special Pharmacy – End Stage Renal Dialysis Permit***

The Board of Pharmacy recognizes six types of special pharmacy permits, including Special Pharmacy – End Stage Renal Dialysis (ESRD).<sup>22</sup> An ESRD permit is required for any person who provides dialysis products and supplies to persons with chronic kidney failure for self-administration at the person's home or specified address.<sup>23</sup> To obtain an ESRD permit, an applicant must:<sup>24</sup>

- Complete an application and pay a \$250 initial payment fee;
- Submit a legible set of fingerprint cards and \$48 fee for each person having an ownership interest of at least 5 percent, and any person who, directly or indirectly, manages, oversees, or controls the operation of the pharmacy, including officers and members of the board of directors, if the applicant is a corporation;
- Pass an on-site inspection;
- Provide written policies and procedures for preventing controlled substance dispensing based on fraudulent representations or invalid practitioner-patient relationships; and
- Designate a prescription department manager or consultant pharmacist of record.

Florida law provides an exemption to pharmacy permitting requirements, including ESRD permits, under limited circumstances. Specifically, s. 465.027(2), F.S., exempts a manufacturer, or its agent holding an active permit as a manufacturer under ch. 499, F.S., who is engaged solely in the manufacture or distribution of dialysate, drugs, or devices necessary to perform home renal dialysis on patients with chronic kidney failure, from pharmacy permitting and regulatory requirements if the dialysate, drugs, or devices are:

- Approved by the federal Food and Drug Administration; and
- Delivered in the original, sealed packaging to the patient for self-administration after receipt of a physician's order to dispense, to a health care practitioner, or to an institution.<sup>25</sup>

<sup>16</sup> An institutional pharmacy includes every location in a hospital, clinic, nursing home, dispensary, sanitarium, extended care facility, or other facility where medicinal drugs are compounded, dispensed, stored, or sold. Section 465.003(11)(a)2., F.S.

<sup>17</sup> A nuclear pharmacy includes every location where radioactive drugs and chemicals within the classification of medicinal drugs are compounded, dispensed, stored, or sold, but does not include hospitals or the nuclear medicine facilities of hospitals. Section 465.003(11)(a)3., F.S.

<sup>18</sup> A special pharmacy includes every location where medicinal drugs are compounded, dispensed, stored, or sold, if not otherwise classified as a community pharmacy, institutional pharmacy, nuclear pharmacy, or internet pharmacy. Section 465.003(11)(a)4., F.S.

<sup>19</sup> An internet pharmacy includes locations not otherwise licensed or issued a permit pursuant to statute, within or outside of this state, which use the Internet to communicate with or obtain information from consumers in this state and use such communication or information to fill or refill prescriptions or to dispense, distribute, or otherwise engage in the practice of pharmacy. Section 465.003(11)(a)5., F.S.

<sup>20</sup> See ss. 465.022 and 465.023, F.S.

<sup>21</sup> See s. 465.003(6) and (14), F.S.

<sup>22</sup> See Fla. Admin. Code R. 64B16-28.100 (5)(d) (2018).

<sup>23</sup> See Fla. Admin. Code R. 64B16-28.850(1) (2018).

<sup>24</sup> See Fla. Admin. Code R. 64B16-28.16-28.100(1) and (5) (2018).

<sup>25</sup> This exemption was enacted in ch. 2016-230, s. 23, Laws of Fla.

## Regulation of Drugs, Devices, and Cosmetics in Florida

Part I of ch. 499, F.S., the Florida Drug and Cosmetic Act, requires the Department of Business and Professional Regulation (DBPR) to regulate drugs, devices, and cosmetics.<sup>26</sup> Most of the regulations relate to the distribution of prescription drugs into and within Florida. The chapter also regulates manufacturing and distributing medical devices. In particular, the regulations require various entities in the distribution chain, such as prescription drug manufacturers and prescription drug wholesale distributors, to obtain permits. Florida has 18 distinct permits for these entities.<sup>27</sup>

### *Manufacturer Permits*

The DBPR offers nine different manufacturer and repackager permits for prescription drugs, over-the-counter drugs, cosmetics, and medical devices.<sup>28</sup>

Prescription drug manufacturer permits are required for anyone that manufactures a prescription drug and manufactures or distributes that prescription drugs in Florida.<sup>29</sup> If someone manufactures prescription drugs outside of Florida, but distributes their prescription drugs into Florida, a nonresident prescription drug manufacturer permit is required, unless that person is permitted as a third party logistics provider.<sup>30</sup> Virtual permits are available for those who manufacture prescription drugs but do not make or take physical possession of any prescription drugs.<sup>31</sup> An over-the-counter drug manufacturer permit is required for anyone manufacturing or repackaging over-the-counter drugs,<sup>32</sup> and a cosmetic manufacturer permit is required for anyone manufacturing or repackaging cosmetics in Florida.<sup>33</sup>

A device manufacturer permit is required for anyone manufacturing, repackaging, or assembling medical devices for human use, unless the person only manufactures, repackages, or assembles medical devices or components.<sup>34</sup>

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<sup>26</sup> Section 27, ch. 2010-161, Laws of Fla., shifted responsibility for operation and enforcement of the Florida Drug and Cosmetic Act (ch. 499, F.S.) from the DOH to the DBPR.

<sup>27</sup> A permit is required for a prescription drug manufacturer; a prescription drug repackager; a nonresident prescription drug manufacturer; a prescription drug wholesale distributor; an out-of-state prescription drug wholesale distributor; a retail pharmacy drug wholesale distributor; a restricted prescription drug distributor; a complimentary drug distributor; a freight forwarder; a veterinary prescription drug retail establishment; a veterinary prescription drug wholesale distributor; a limited prescription drug veterinary wholesale distributor; an over-the-counter drug manufacturer; a device manufacturer; a cosmetic manufacturer; a third party logistics provider; or a health care clinic establishment. Section 499.01(1), F.S.

<sup>28</sup> See the DBPR's website at <http://www.myfloridalicense.com/DBPR/drugs-devices-and-cosmetics/apply/#1510868730238-4ebd727c-3d62> (last visited Feb. 1, 2018).

<sup>29</sup> Section 499.01(2)(a), F.S.

<sup>30</sup> Section 499.01(2)(c), F.S.

<sup>31</sup> Section 499.01(2)(a)1., F.S., and s. 499.01(2)(c), F.S. See the DBPR's website at <http://www.myfloridalicense.com/DBPR/drugs-devices-and-cosmetics/nonresident-prescription-drug-manufacturer-virtual/> (last visited Feb. 1, 2018).

<sup>32</sup> Section 499.01(2)(n), F.S. See the DBPR's website at <http://www.myfloridalicense.com/DBPR/drugs-devices-and-cosmetics/over-the-counter-drug-manufacturer/> (last visited Feb. 1, 2018).

<sup>33</sup> Section 499.01(2)(p), F.S. Someone that only labels or changes the labeling of a cosmetic but does not open the container sealed by the manufacturer of the product is exempt from obtaining a cosmetic manufacturer permit. See the DBPR's website at <http://www.myfloridalicense.com/DBPR/drugs-devices-and-cosmetics/cosmetic-manufacturer/> (last visited Feb. 1, 2018).

<sup>34</sup> Section 499.01(2)(o), F.S.

- Pursuant to a practitioner’s order for a specific patient; or
- Registered with the federal Food and Drug Administration and that satisfy specified statutory requirements.

### ***Regulation of Third-Party Logistics Providers***

A third-party logistics provider acts as an intermediary between the manufacturer or distributor of prescription drugs and the consumer by providing supply chain logistics services and transportation. A third party logistics provider contracts with a prescription drug wholesale distributor or prescription drug manufacturer to provide warehousing, distribution, or other logistics services on behalf a manufacturer, wholesale distributor, or dispenser, but does not take title to or have responsibility to direct the sale or disposition of the prescription drug.<sup>35</sup>

Third-party logistic providers must obtain a DBPR permit before operating in Florida and out-of-state third-party logistics providers must also be licensed in the state or territory from which it distributes the prescription drug.<sup>36</sup> Third-party logistics providers that provide dialysis products and supplies to persons with chronic kidney failure for self-administration at the person’s home must also obtain an ESRD permit from the Board of Pharmacy.<sup>37</sup>

### **III. Effect of Proposed Changes:**

CS/SB 1252 amends s. 465.027, F.S., to expand and clarify the exemption from the Florida Pharmacy Act for the distribution of certain drugs and devices directly to a patient by a manufacturer’s third party logistics provider.

The bill exempts a manufacturer’s agent who holds a third party logistics provider permit under ch. 499, F.S., (related to drugs, devices, and cosmetics), from the requirements of ch. 465, F.S., (related to pharmacies), when the manufacturer’s agent is engaged in the distribution of dialysate, drugs, or devices necessary to perform home renal dialysis on patients with chronic kidney failure, and the dialysate, drugs, or devices are:

- Approved by the United States Food and Drug Administration; and
- Delivered in the original, sealed packaging after receipt of a physician’s order to dispense to a patient or the patient’s designee for the patient’s self-administration, or to a health care practitioner or institution for administration or delivery of dialysis therapy.

The bill is effective upon becoming law.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

<sup>35</sup> Section 499.01(2)(q), F.S.

<sup>36</sup> If the state or territory from which the third party logistics provider originates does not require a license to operate as a third party logistics provider, the third party logistics provider must be licensed as a third party logistics provider as required under the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. ss. 301 *et seq. Id.*

<sup>37</sup> *See Fla. Admin. Code R. 64B-16-28.100(5)(d)4.* (2018).

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Third party logistics provider permit holders made exempt under the bill may see a positive fiscal impact due to no longer being required to pay any permitting fees required by ch. 465, F.S.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 465.027 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Health Policy on January 23, 2018:**

The CS specifies that the exemption from the Florida Pharmacy Act also applies to the manufacturer's agent if the agent is a third party logistics provider permit holder, or the agent of the manufacturer or third party logistics provider permit holder is engaged in providing dialysate, drugs, or devices related to renal dialysis as detailed in the bill.

The CS changes the effective date to upon becoming law.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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By the Committee on Health Policy; and Senator Passidomo

588-02385-18

20181252c1

1                   A bill to be entitled  
2           An act relating to distributing pharmaceutical drugs  
3           and devices; amending s. 465.027, F.S.; revising an  
4           exception to pharmacy regulations for certain  
5           manufacturers and distributors of dialysis drugs or  
6           supplies; providing an effective date.

7  
8   Be It Enacted by the Legislature of the State of Florida:

9  
10           Section 1. Subsection (2) of section 465.027, Florida  
11   Statutes, is amended to read:

12           465.027 Exceptions.—

13           (2) This chapter does ~~shall~~ not apply to a manufacturer, or  
14   its agent, holding an active manufacturer or third-party  
15   logistics provider permit ~~as a manufacturer~~ under chapter 499,  
16   to the extent the manufacturer, or its agent, is and engaged  
17   ~~solely~~ in the manufacture or distribution of dialysate, drugs,  
18   or devices necessary to perform home renal dialysis on patients  
19   with chronic kidney failure, if the dialysate, drugs, or devices  
20   are:

21           (a) Approved or cleared by the United States Food and Drug  
22   Administration; and

23           (b) Delivered in the original, sealed packaging after  
24   receipt of a physician's order to dispense to:

25           1. A patient with chronic kidney failure, or the patient's  
26   designee, for the patient's self-administration of the dialysis  
27   therapy; or

28           2. A health care practitioner or an institution for  
29   administration or delivery of the dialysis therapy to a patient

588-02385-18

20181252c1

30 with chronic kidney failure.

31 Section 2. This act shall take effect upon becoming a law.



The Florida Senate

## Committee Agenda Request

**To:** Senator Travis Hutson, Chair  
Committee on Regulated Industries

**Subject:** Committee Agenda Request

**Date:** January 31, 2018

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I respectfully request that **Senate Bill #1252**, relating to Home Renal Dialysis, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink, appearing to read "K. Passidomo", with a horizontal line extending to the right.

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Senator Kathleen Passidomo  
Florida Senate, District 28

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Regulated Industries

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**BILL:** CS/CS/SB's 1400 & 1640

**INTRODUCER:** Regulated Industries Committee; Community Affairs Committee and Senators Steube and Simmons

**SUBJECT:** Vacation Rentals

**DATE:** February 8, 2018

**REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cochran</u>	<u>Yeatman</u>	<u>CA</u>	<b>Fav/CS Combined</b>
2.	<u>Oxamendi</u>	<u>McSwain</u>	<u>RI</u>	<b>Fav/CS</b>
3.	_____	_____	<u>AP</u>	_____

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB's 1400 & 1640 creates the "Florida Vacation Rental Act" within part III of Chapter 509, F.S., explicitly preempting the regulation of vacation rentals to the state and separating the regulation of vacation rentals from the regulation of public lodging establishments, such as hotels and motels. The Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation (DBPR) is authorized to implement the act, including licensing vacation rentals and enforcement. The bill requires license applications to include an emergency contact telephone number. The license number must be displayed in advertisements for a vacation rental. Multiple unit vacation rentals must be inspected biannually in the same manner as hotels and motels.

Under the bill, local governments only may regulate activities that arise when a property is used as a vacation rental, provided the regulation applies uniformly to all residential properties. However, the bill grandfathers local regulations adopted before June 1, 2011, or amended to be less restrictive, which prohibit vacation rentals, or regulate the duration or frequency of vacation rentals.

CS/CS/SB's 1400 & 1640 may have an indeterminate positive fiscal impact on state government and an indeterminate negative fiscal impact on local government. See Section V, Fiscal Impact Statement.

The effective date of the bill is July 1, 2018.

## II. Present Situation:

The Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation (DBPR) is the state agency charged with enforcing the provisions of ch. 509, F.S., relating to the regulation of public lodging establishments and public food service establishments for the purpose of protecting the public health, safety, and welfare.

The term “public lodging establishments” includes transient and nontransient public lodging establishments.<sup>1</sup> The principal differences between transient and nontransient public lodging establishments are the number of times that the establishments are rented in a calendar year and the length of the rentals.

A “transient public lodging establishment” is defined in s. 509.013(4)(a)1., F.S., as:

any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

A “nontransient public lodging establishment” is defined in s. 509.013(4)(a)2., F.S., as:

any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests for periods of at least 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for periods of at least 30 days or 1 calendar month.

Section 509.013(4)(b), F.S., exempts the following types of establishments from the definition of “public lodging establishment”:

1. Any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students, faculty, or visitors.
2. Any facility certified or licensed and regulated by the Agency for Health Care Administration or the Department of Children and Families or other similar place regulated under s. 381.0072, F.S.;
3. Any place renting four rental units or less, unless the rental units are advertised or held out to the public to be places that are regularly rented to transients;
4. Any unit or group of units in a condominium, cooperative, or timeshare plan and any individually or collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit that is rented for periods of at least 30 days or 1 calendar month, whichever is less, and that is not advertised or held out to the public as a place regularly rented for periods of less than 1 calendar

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<sup>1</sup> Section 509.013(4)(a), F.S.

month, provided that no more than four rental units within a single complex of buildings are available for rent;

5. Any migrant labor camp or residential migrant housing permitted by the Department of Health under ss. 381.008-381.00895, F.S.;
6. Any establishment inspected by the Department of Health and regulated by ch. 513 F.S.;
7. Any nonprofit organization that operates a facility providing housing only to patients, patients' families, and patients' caregivers and not to the general public.
8. Any apartment building inspected by the United States Department of Housing and Urban Development or other entity acting on the department's behalf that is designated primarily as housing for persons at least 62 years of age. The division may require the operator of the apartment building to attest in writing that such building meets the criteria provided in this subparagraph. The division may adopt rules to implement this requirement; and
9. Any roominghouse, boardinghouse, or other living or sleeping facility that may not be classified as a hotel, motel, timeshare project, vacation rental, nontransient apartment, bed and breakfast inn, or transient apartment under s. 509.242, F.S.

Public lodging establishments are classified as a hotel, motel, vacation rental, nontransient apartment, transient apartment, bed and breakfast inn, or timeshare project.<sup>2</sup>

A "vacation rental" is defined in s. 509.242(1)(c), F.S., as:

any unit or group of units in a condominium, cooperative, or timeshare plan or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is also a transient public lodging establishment but is not a timeshare project.

The department licenses vacation rentals as condominiums, dwellings, or timeshare projects.<sup>3</sup> The division may issue a vacation rental license for "a single-family house, a townhouse, or a unit or group of units in a duplex, triplex, quadruplex, or other dwelling unit that has four or less units collectively."<sup>4</sup>

The 41,931 public lodging establishments licensed by the division are distributed as follows:<sup>5</sup>

- Hotels – 1,916 licenses;
- Motels – 2,600 licenses;

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<sup>2</sup> Section 509.242(1), F.S.

<sup>3</sup> Fla. Admin. Code R. 61C-1.002(4)(a)1.

<sup>4</sup> The division further classifies a vacation rental license as a single, group, or collective license. See Fla. Admin. Code R. 61C-1.002(4)(a)1. A single license may include one single-family house or townhouse, or a unit or group of units within a single building that are owned and operated by the same individual person or entity. A group license is a license issued by the division to a licensed agent to cover all units within a building or group of buildings in a single complex. A collective license is a license issued by the division to a licensed agent who represents a collective group of houses or units found on separate locations not to exceed 75 houses per license.

<sup>5</sup> *Division of Hotels and Restaurants Annual Report for FY 2016-2017*, Department of Business and Professional Regulation. A copy of the report is available at: [http://www.myfloridalicense.com/dbpr/hr/reports/annualreports/documents/ar2016\\_17.pdf](http://www.myfloridalicense.com/dbpr/hr/reports/annualreports/documents/ar2016_17.pdf) (Last visited January 24, 2018).

- Nontransient apartments – 18,008 licenses;
- Transient apartments – 895 licenses;
- Bed and Breakfast Inns – 259 licenses;
- Vacation rental condominiums – 5,037 licenses;
- Vacation rental dwellings – 13,196 licenses; and
- Vacation rental timeshare projects – 20 licenses.

### **Inspections of Vacation Rentals**

The division must inspect each licensed public lodging establishment at least biannually, but transient and nontransient apartments must be inspected at least annually. However, the division is not required to inspect vacation rentals, but vacation rentals must be available for inspection upon a request by the division.<sup>6</sup> The division conducts inspections of vacation rentals in response to a consumer complaint to ensure minimum sanitation and safety standards are met.<sup>7</sup> In Fiscal Year 2016-2017, the division received 457 consumer complaints regarding vacation rentals and inspected the vacation rentals.<sup>8</sup>

The division's inspection of vacation rentals includes matters of safety (for example, fire hazards, smoke detectors, and boiler safety), sanitation (for example, safe water sources, bedding, and vermin control), consumer protection (for example, unethical business practices, compliance with the Florida Clean Air Act, and maintenance of a guest register), and other general safety and regulatory matters.<sup>9</sup>

The division must notify the local firesafety authority or the State Fire Marshal of any readily observable violation of a rule adopted under ch. 633, F.S.,<sup>10</sup> which relates to a public lodging establishment.<sup>11</sup>

Additionally, an applicant for a vacation rental license is required to submit with the license application a signed certificate evidencing the inspection of all balconies, platforms, stairways, railings, and railways, from a person competent to conduct such inspections.<sup>12</sup>

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<sup>6</sup> Section 509.032(2)(a), F.S.

<sup>7</sup> See 2018 Agency Legislative Bill Analysis issued by the DBPR for SB 1400, dated January 23, 2018 (on file with Senate Committee on Regulated Industries) at page 2.

<sup>8</sup> See *supra* note 5, at 23.

<sup>9</sup> See ss. 509.211 and 509.221, F.S., for the safety and sanitary regulations, respectively. See also Fla. Admin. Code R. 61C-1.002; *Lodging Inspection Report, DBPR Form HR 5022-014*, which details the safety and sanitation matters addressed in the course of an inspection. A copy of the Lodging Inspection Report is available at:

<https://www.flrules.org/Gateway/reference.asp?No=Ref-07062> (last visited February 1, 2018).

<sup>10</sup> Chapter 633, F.S., relates to fire prevention and control, including the duties of the State Fire Marshal and the adoption of the Florida Fire Prevention Code.

<sup>11</sup> Section 509.032(2)(d), F.S.

<sup>12</sup> See ss. 509.211(3) and 509.2112, F.S., and form *DBPR HR-7020, Division of Hotels and Restaurants Certificate of Balcony Inspection*, available at:

[https://www.myfloridalicense.com/CheckListDetail.asp?SID=&xactCode=1030&clientCode=2007&XACT\\_DEFN\\_ID=7694](https://www.myfloridalicense.com/CheckListDetail.asp?SID=&xactCode=1030&clientCode=2007&XACT_DEFN_ID=7694) (last visited February 1, 2018).

## Preemption

Section 509.032(7)(a), F.S., provides that “the regulation of public lodging establishments and public food service establishments, including, but not limited to, sanitation standards, inspections, training and testing of personnel, and matters related to the nutritional content and marketing of foods offered in such establishments, is preempted to the state.”

Current law does not preempt the authority of a local government or local enforcement district to conduct inspections of public lodging establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code, pursuant to ss. 553.80 and 633.206, F.S.<sup>13</sup>

Section 509.032(7)(b), F.S., prohibits local laws, ordinances, or regulations that prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. However, this prohibition does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.

Section 509.032(7)(c), F.S., provides that the prohibition in s. 509.032(7)(b), F.S., does not apply to local laws, ordinances, or regulations exclusively relating to property valuation as a criterion for vacation rental if the law, ordinance, or regulation is required to be approved by the state land planning agency pursuant to an area of critical state concern designation.<sup>14</sup>

## Legislative History

In 2011, the Legislature preempted vacation rental regulation to the state. The preemption prevented local governments from enacting any law, ordinance, or regulation that:

- Restricted the use of vacation rentals;
- Prohibited vacation rentals; or
- Regulated vacation rentals based solely on their classification, use, or occupancy.<sup>15</sup>

This legislation grandfathered any local law, ordinance, or regulation that was enacted by a local government on or before June 1, 2011.<sup>16</sup>

In 2014, the Legislature revised the preemption to its current form with an effective date of July 1, 2014.<sup>17</sup> Chapter 2014-71, Laws of Fla., amended s. 509.032(7)(b), F.S., and repealed the portions of the preemption of local laws, ordinances, and regulations which prohibited “restrict[ing] the use of vacation rentals” and which prohibited regulating vacation rentals “based solely on their classification, use or occupancy.”<sup>18</sup>

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<sup>13</sup> Section 509.032(7)(a), F.S.

<sup>14</sup> See s. 163.3164(43), F.S., provides that the state land planning agency is the Department of Economic Opportunity.

<sup>15</sup> Chapter 2011-119, Laws of Fla.

<sup>16</sup> *Id.*

<sup>17</sup> Chapter 2014-71, Laws of Fla.; codified in s. 509.032(7)(b), F.S.

<sup>18</sup> *Id.*



### Attorney General Opinions

The office of the Attorney General issued an Informal Legal Opinion on October 22, 2013, regarding whether Flagler County could intercede and stop vacation rental operations in private homes that were zoned, prior to June 1, 2011, for single-family residential use.<sup>19</sup> According to the opinion, “due to an increase in the number of homes being used as vacation rentals in Flagler County, many permanent residents in neighborhoods with vacation rentals have raised concerns about the negative effects such rentals have on their quality of life and the character of their neighborhood.” Flagler County had no regulation governing vacation rentals before the grandfather date of June 1, 2011, in s. 509.032(7)(b), F.S. The Attorney General concluded that the county’s local zoning ordinance for single-family homes that predated June 1, 2011, did not restrict the rental of such property as a vacation rental and that the zoning ordinances could not now be interpreted to restrict vacation rentals.

A second advisory opinion was issued by the Attorney General on November 13, 2014, for the City of Wilton Manors concluding that s. 509.032(7)(b), F.S., does not permit the city to regulate the location of vacation rentals through zoning, and the city may not prohibit vacation rentals that fail to comply with the registration and licensing requirements in s. 509.241, F.S., which requires public lodging establishments to obtain a license from the division.<sup>20</sup>

In addition, the Attorney General issued a third advisory opinion on October 5, 2016, addressing whether a municipality could limit the spacing and concentration of vacation rentals through a proposed ordinance regarding vacation rentals.<sup>21</sup> The Attorney General concluded that the preemption in s. 509.032, F.S., allows local governments some regulation of vacation rentals, but prevents local governments from prohibiting vacation rentals. Consequently, the Attorney General noted that a municipality may not impose spacing or proportional regulations that would have the effect of preventing eligible housing from being used as a vacation rental.<sup>22</sup>

### III. Effect of Proposed Changes:

**Section 1** creates part III of chapter 509, consisting of ss. 509.601-509.609, F.S., to be entitled “Vacation Rentals.”

**Section 2** creates s. 509.601, F.S., to name part III of ch. 509, F.S., the “Florida Vacation Rental Act”.

**Section 3** creates s. 509.603, F.S., consisting of the legislative findings and purpose for a vacation rental act. The section preempts the regulation of vacation rentals to the state unless otherwise provided in ch. 509, F.S. The Division of Hotels and Restaurants (division) of the

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<sup>19</sup> Florida Attorney General, Informal Legal Opinion to Mr. Albert Hadeed, Flagler County Attorney, regarding “Vacation Rental Operation-Local Ordinances,” dated October 22, 2013.

<sup>20</sup> Florida Attorney General, AGO 2014-09, Vacation Rentals - Municipalities - Land Use, November 13, 2014, available at: <http://www.myfloridalegal.com/ago.nsf/printview/5DFB7F27FB483C4685257D900050D65E> (last visited February 2, 2018).

<sup>21</sup> Florida Attorney General, AGO 2016-12, Municipalities - Vacation Rentals - Zoning, October 5, 2016, available at: <http://www.myfloridalegal.com/ago.nsf/printview/3AF7050D48068C10852580440051386C> (last visited February 2, 2018).

<sup>22</sup> *Id.*

Department of Business and Professional Regulation (DBPR) is granted rulemaking authority to implement this part.

The bill contains a legislative intent statement that the application of vacation rental provisions created by the bill does supersede any current or future declaration or declaration of condominium<sup>23</sup> enacted pursuant to ch. 718, F.S., cooperative documents<sup>24</sup> enacted pursuant to ch. 719, F.S., or declarations of covenants or declarations<sup>25</sup> of a homeowners' association enacted pursuant to ch. 720, F.S.

**Section 4** creates s. 509.604, F.S., preempting all licensing of vacation rentals to the state. Under the bill, it is illegal to operate without a license. Licenses must be renewed annually, on a staggered schedule determined by the division, and must be displayed prominently in the vacation rental. Licenses are not transferrable. The division is authorized to deny licensure to applicants who have been adjudicated guilty of certain crimes reflecting poor professional character, including prostitution and pandering.

The licensing and renewal provisions in s. 509.604, F.S., are comparable to the existing licensure and annual renewal provisions in the current s. 509.241, F.S.

Operation of an unlicensed vacation rental is a second degree misdemeanor under the bill, which is identical to the criminal prohibition against operation of an unlicensed public lodging establishment.<sup>26</sup>

Section 509.604, F.S., requires a license application to include the operator's emergency contact telephone number.

The division must immediately issue a temporary license upon receipt of an application in order to allow the property to begin use as a vacation rental while the application is pending. The license must be displayed in the vacation rental.

**Section 5** creates s. 509.605, F.S., to establish the license fees for vacation rentals. It authorizes one "licensed operator" to manage multiple units (to a maximum of 75 units) under a single license. These units may be in separate buildings or locations. The division is directed to charge a fee for the application, which may not exceed \$1,000 per application.

The bill and ch. 509., F.S., do not define the term "licensed operator" or provide for such a license; however, existing s. 509.013(2), F.S., defines "operator" to mean "the owner, licensee,

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<sup>23</sup> Section 718.103(15), F.S., defines "declaration" or "declaration of condominium" to mean "the instrument or instruments by which a condominium is created, as they are from time to time amended."

<sup>24</sup> Section 719.103(13), F.S., defines "cooperative documents" to mean the documents that create a cooperative, including, but not limited to, articles of incorporation of the association, bylaws, the ground lease or other underlying lease, if any, and the documents evidencing a unit owner's membership or share in the association and recognizing a unit owner's title or right of possession to his or her unit.

<sup>25</sup> Section 720.301(4), F.S., "declaration of covenants," or "declaration," to mean "a recorded written instrument or instruments in the nature of covenants running with the land which subject the land comprising the community to the jurisdiction and control of an association or associations in which the owners of the parcels, or their association representatives, must be members."

<sup>26</sup> See s. 509.241(1), F.S.

proprietor, lessee, manager, assistant manager, or appointed agent of a public lodging establishment or public food service establishment.”

The fees collected shall be directed to fund the Hospitality Education Program. In addition, the division is authorized to promulgate a rule regarding application fees. The fee for an application may not exceed \$50 per application and shall be used to cover all costs associated with initiating regulation of vacation rentals.

The license fee provisions in s. 509.605, F.S., are comparable to the existing license fee provisions in current s. 509.251, F.S.

**Section 6** creates s. 509.6051, F.S., to set a maximum occupancy limit for vacation rentals. The occupancy limit is the lesser of a) four persons plus two additional persons for each sleeping room, or b) one person for each 150 square feet of finished area.

**Section 7** creates s. 509.606, F.S., to specify the procedures and grounds for the revocation or suspension of licenses and the issuance of fines. Fines may not exceed \$1,000 per offense, and the division is authorized to regard as a separate offense for each day or portion of day that a critical law or rule is violated. In addition, the division is required to post a prominent closed-for-operation sign on any vacation rental the license of which has been suspended or revoked. All funds received by the division for administrative fines must be paid into the state treasury to the credit of the Hotel and Restaurant Trust Fund and may not be used for payment to any entity performing required inspections under contract with the division.

The division may fine, suspend, or revoke the license of any vacation rental when the rental is not in compliance with the final order or other administrative action issued against the licensee by the division. The division may refuse to issue or renew a license until all outstanding fines are paid in full to the division.

A license may be revoked for specified offenses, including soliciting for prostitution, pandering, letting premises for prostitution, and dealing in controlled substances, or a determination by the division that a vacation rental is an imminent danger to the public health.

Additionally, the division can fine, suspend, or revoke the license of any vacation rental when an advertisement for the vacation rental does not display the vacation rental license number.

The procedures and disciplinary grounds in s. 509.606, F.S., are comparable to the provision in the current s. 509.261, F.S., for public lodging establishments, with the exception of removing penalties related to remedial food safety education.

**Section 8** creates s. 509.607, F.S., exempting vacation rentals from ch. 83, F.S., relating to landlord and tenant law, in the same manner as transient rentals.<sup>27</sup> The bill also exempts persons

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<sup>27</sup> Section 83.42(3), F.S., exempts transient occupancy in a hotel, condominium, motel, roominghouse, or similar public lodging, or transient occupancy in a mobile home park from the application of the requirements in part II of ch. 83, F.S., the Florida Residential Landlord and Tenant Act.

or entities that rent or advertise vacation rentals for rent for another person for compensation from licensure requirements for a real estate sales associate or broker under ch. 475, F.S.

**Section 9** creates s. 509.608, F.S., to preempt the inspection of vacation rentals to the state. Under the bill, the division is solely responsible for all inspections and for quality assurance.

Currently s. 509.032(2), F.S., exempts vacation rentals from inspection requirements. However, under the bill, the division has the right of entry and access to a vacation rental at any reasonable time.

The division may not establish by rule any regulation governing the design, construction, erection, alteration, modification, repair, or demolition of any vacation rental.

Vacation rentals must be made available to the division for inspections upon request. Upon discovery of a vulnerable adult appearing to be a victim of neglect, a building not equipped with automatic sprinkler systems, or tenants or clients who may be unable to self-preserve in an emergency, the division must convene meetings with the following agencies as appropriate to the individual situation: Department of Elderly Affairs, the area agency on aging, the local fire marshal, the landlord and affected tenants or clients, and other relevant organizations, to develop a plan that improves prospects for safety of affected residents.

Vacation rentals must also be inspected whenever necessary to respond to an emergency or epidemiological condition.

These provision are comparable to the inspection requirements in s. 509.032(2), F.S., for a public lodging establishment that is not a vacation rental.

**Section 10** creates s. 509.609, F.S., to provide additional inspection requirements for multiple unit vacation rentals. When five or more vacation rentals in multifamily dwellings are under common ownership and any such vacation rental is rented out more than 180 days per year, the vacation rental is subject to the additional requirements of this section. These types of rentals are subject to the same inspection requirements as public lodging establishments under s. 509.032(2), F.S., when an operator of a vacation rental applies for an initial license and renews the license. An operator must identify to the division the intent to operate a vacation rental for more than 180 days during the term of the license.

Additionally, each year the division must audit at least one percent of operators who are subject to this section to ensure compliance.

The additional inspection requirement does not apply to single-family houses.

**Section 11** amends s. 509.013, F.S., to include vacation rentals in the definitions of “operator,” “guest,” and exclude vacation rentals from the definition of transient or nontransient public lodging establishment.

The bill defines a “vacation rental” as:

any unit or group of units in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling that is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, but which is not a timeshare project.<sup>28</sup>

The definition of “vacation rental” in the bill is comparable to the current definition in s. 509.242(1)(c), F.S., which requires such a location be a “transient public lodging establishment”, as defined in s. 509.013(4)(a)1., F.S. The duration and frequency of rental requirement provided in the bill is identical to the duration and frequency of rental requirement in current law for a “transient public lodging establishment”. However, qualification as a vacation rental does not require the unit to be advertised or held out to the public as a place regularly rented to guests, unlike the current law requirement for a “transient public lodging establishment”.

**Section 12** amends s. 509.032(2)(d), F.S., to include vacation rentals in the current provision which requires the division to notify the local firesafety authority or the State Fire Marshal of any readily observable violation of a rule adopted under ch. 633, F.S., relating to fire safety and control.

The bill amends s. 509.032(7), F.S., to limit the authority of local government to regulate vacation rentals. Under the bill, a local government may regulate activities that arise when a property is used as a vacation rental, provided the regulation applies uniformly to all residential properties. The division must make vacation rental license information available to the public and local governments, and local governments may only use the information for informational purposes.

The bill maintains the existing provision which permits local laws, ordinances, or regulations adopted before June 1, 2011, to prohibit vacation rentals, or regulate the duration or frequency of vacation rentals. Additionally, the bill authorizes such local laws, ordinances, regulations to be amended to be less restrictive.

**Sections 13, 14, 15, 16, and 17** amend the following provisions to correct cross-references: s. 159.27(12), F.S., revising the definition of “public lodging or restaurant facility”, s. 212.08(7)(jj), F.S., relating to a sale tax exemption for complimentary meals, s. 316.1955(4), F.S., relating to parking requirements for persons with disabilities, s. 404.056(5), F.S., relating to a requirement for radon gas notification in rental agreements, and s. 477.0135(6), F.S., relating to a reference to “theme park or entertainment complex” in the context of an exception for cosmetology licensure.

**Section 18** amends s. 509.072, F.S., to add vacation rentals to the list of establishments that use moneys from the Hotel and Restaurant Trust Fund.

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<sup>28</sup> Timeshare projects are regulated under ch. 721, F.S., by the Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation.

**Section 19** amends s. 509.091, F.S., to add vacation rentals to the division's requirements for providing notice to licensees.

**Section 20** amends s. 509.092, F.S., to add vacation rentals to the "catch line" of this section.<sup>29</sup> However, the bill does not add vacation rentals to the substantive provisions of s. 509.092, F.S., which provide that public lodging establishments and public food service establishments are private enterprises and have the right to refuse accommodations or service to anyone who is objectionable or undesirable to the operator, but refusal may not be based upon race, creed, color, sex, pregnancy, physical disability, or national origin.

**Section 21** amends s. 509.095, F.S., to add vacation rentals to the current provision permitting public lodging establishments to waive an age requirement for an individual currently on active duty as a member of the U.S. military.

**Section 22** amends s. 509.101, F.S., to add vacation rentals to the current provision permitting public lodging establishments and public food service establishments to establish reasonable rules and regulations for the management of the establishment and its guests and employees. The section requires operators of transient establishments or vacation rentals to maintain a register of guests who occupy rental units within the establishment, showing the dates and rates charged. The register shall be maintained in chronological order and available for inspection by the division at any time.

**Section 23** amends s. 509.111, F.S., to add vacation rentals to the existing provision relating to a public lodging establishment's liability for loss of a guest's property.

**Section 24** amends s. 509.141, F.S., to add vacation rentals to the current provision permitting, with conditions, a public lodging establishment to refuse admission to and eject an undesirable guest.

**Section 25** amends s. 509.142, F.S., to add vacation rentals to the current provision permitting, with conditions, a public lodging establishment to refuse accommodations to any person whose conduct displays intoxication, profanity, lewdness, brawling, or other disturbing or disorderly conduct.

**Section 26** amends s. 509.144, F.S., to add vacation rentals to the current provision prohibiting handbill distribution at or in a public lodging establishment.

**Section 27** amends s. 509.162, F.S., to add vacation rentals to the current provision permitting, with conditions, a public lodging establishment to detain a suspected thief for a reasonable period.

**Section 28** amends s. 509.191, F.S., to add vacation rentals to the current requirements relating to unclaimed property at a public lodging establishment or public food service establishment.

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<sup>29</sup> The "catch line" is a short heading at the beginning of a statute which indicates the subject matter of the text and serves as an aid in locating provisions of law. See Office of Bill Drafting Services, The Florida Senate, *Manual for Drafting Legislation* (6th Edition, 2009) at page 181.

**Section 29** amends s. 509.2015, F.S., adding vacation rentals to the current requirement for a public lodging establishment to post notice of a surcharge for telephone calls.

**Section 30** amends s. 509.211, F.S., to add vacation rentals to the current safety regulations applicable to public lodging establishments.

**Section 31** amends s. 509.2112, F.S., to add vacation rentals to the current regulations and inspection requirements for a public lodging establishment located in a building three or more stories in height.

**Section 32** amends s. 509.215, F.S., to add vacation rentals to the current subjecting vacation firesafety requirements applicable to a public lodging establishment.

**Section 33** amends s. 509.221, F.S., to apply to vacation rentals the current sanitary regulations applicable to public lodging establishments, including requirements for a public restroom, and providing guests with soap and towels, clean bedding, potable water, and ventilation.

**Section 34** amends s. 509.241, F.S., to remove vacation rentals from license requirements under part I of ch. 509, F.S. Under the bill, vacation rental licensure is subject to the requirements in part III of ch. 509, F.S.

**Section 35** amends s. 509.242, F.S., to remove vacation rentals from the classification of a public lodging establishment. The bill also deletes the current definition of "vacation rental".

**Section 36** amends s. 509.251, F.S., to remove vacation rentals from the license fees provisions for public lodging establishments. The license fee provisions for vacation rentals are in s. 509.605, F.S., of the bill.

**Section 37** amends s. 509.281, F.S., to add vacation rentals to the inspection and enforcement authority of the division currently applicable to public lodging establishments.

**Section 38** amends s. 509.302, F.S., to include vacation rentals in the current requirement for public lodging establishments and public food service establishments to pay an annual fee to be used for funding the Hospitality Education Program.

**Section 39** amends s. 509.4005, F.S., to include vacation rentals in the provisions in ss. 509.401-509.417, F.S., dealing with the process for a public lodging establishment to lockout a guest due to an outstanding payment and to recover an outstanding payment.

**Section 40** amends s. 509.401, F.S., to include vacation rentals in the current authority of a public lodging establishment to lockout a guest if payment has not been made on an account.

**Section 41** amends s. 509.402, F.S., to include vacation rentals in the current authority of a public lodging establishment to recover the premises if the guest vacates without notice.

**Section 42** amends s. 509.405, F.S., to include vacation rentals in the current requirements for the complaint an operator of a public lodging establishment must file in court when seeking a writ of distress from a court.

**Section 43** amends s. 509.409, F.S., to include guest of a vacation rental in the current requirement for a city or county officer to inventory the guest's property when seizing distrainable<sup>30</sup> property.

**Section 44** amends s. 509.417, F.S., to include vacation rentals in the current authority of a public lodging establishment to sell distrained (or levied) property.

**Section 45, 46, and 47** amend the following provisions to correct cross-references: s. 553.5041, F.S, relating to parking spaces for persons with disabilities, and to ss. 717.1355 and 877.24, F.S, relating to the definition of "theme park and entertainment complex".

**Section 48** provides an effective date of July 1, 2018.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Vacation rental operators that were previously exempt from licensure may incur costs to satisfy licensure and sanitation, safety, and firesafety requirements not previously applicable.<sup>31</sup>

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<sup>30</sup> Distrainable property is property that is seized to satisfy a debt. BLACKS LAW DICTIONARY (14th ed. 2014) defines the term "distrain" as "to force (a person, usually a tenant), by the seizure and detention of personal property, to perform an obligation (such as paying overdue rent)", and as "to seize (goods) by distress, a legal remedy entitling the rightful owner to recover property wrongfully taken".

<sup>31</sup> See 2018 Agency Legislative Bill Analysis issued by the DBPR for SB 1400, dated January 23, 2018 (on file with Senate Committee on Regulated Industries) at page 5.



### C. Government Sector Impact:

Revenue may increase with increased vacation rental licenses generating bed tax or other tourism taxes.<sup>32</sup> There may be an indeterminate increase in fines due more sanitation and safety requirements being applicable to vacation rental units.

The Department of Business and Professional Regulation (DBPR) estimates one additional licensing staff member will be needed for every 15,000 new applications. More FTEs may also be required for an anticipated increase in consumer complaints. Additionally, the DBPR estimates that for every 16,700 calls received, an additional Regulatory Specialist III FTE position is needed.<sup>33</sup>

An indeterminate increase in fines could be expected due to more sanitation and safety requirements being applicable to vacation rental units.<sup>34</sup>

A local government may have an indeterminate decrease of revenue if the local government currently requires a vacation rental license or registration fee. Under the bill, a local government may not require a vacation rental to register or obtain such a license.

Section 509.032(3), F.S., of the bill prohibits the division from establishing rules governing the design, construction, erection, alteration, modification, repair, or demolition of any vacation rental. This provision is identical to the current prohibition in s. 509.032(2)(d), F.S., as to public lodging establishments. The bill does not explicitly preempt that function to the Florida Building Commission and the State Fire Marshal, as provided in s. 509.032(2)(d), F.S. However, by removing vacation rentals from the definition of public lodging establishment, the bill may remove vacation rentals from the portion of the Florida Building Code governing public lodging establishments and consequently the authority for the division to enforce those provisions of the Florida Building Code with respect to vacation rentals.<sup>35</sup>

### VI. Technical Deficiencies:

The bill amends s. 509.092, F.S., to add vacation rentals to the “catch line” of this section, but does not add vacation rentals to the substantive provisions of the provision.

### VII. Related Issues:

The Department of Business and Professional Regulation (DBPR) notes that there may not be sufficient time to complete the rulemaking required by the bill due to the effective date of July 1, 2018.<sup>36</sup>

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<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Supra* note 27, at page 3.

<sup>36</sup> *Supra* note 27, at page 6.

Additionally, DBPR states that the term “licensed operator”, as used in s. 509.605(1), F.S., in connection with the licensure of vacation rental units within separate buildings or at separate locations but managed by one licensed operator, is not defined in ch. 509, F.S., or within the bill.<sup>37</sup>

Existing s. 509.261, F.S., and newly created s. 509.606, F.S., do not specify how long the signage must remain posted. This could result in an establishment that had its license revoked, or was determined to be operating without a license, having to display the sign in perpetuity. Additionally, existing s. 509.261, F.S., and newly created s. 509.606, F.S., create differing results based on the division’s staggered license renewal schedule because a revoked establishment can apply for a new license after their next renewal date.<sup>38</sup>

The bill may potentially conflict with s. 509.221(2)(a), F.S., which directs the division to adopt a rule establishing categories of establishments that are not subject to the s. 509.221(2), F.S., public bathroom requirement and with Section 455.3.2.2, 2017 Florida Building Code – Building, Sixth Edition, which exempts resort condominiums and resort dwellings (now called vacation rentals) from public bathroom requirements. Rule 61C-1.004, F.A.C., currently excludes nontransient establishments, vacation rentals, and timeshare projects from the requirement. Given that vacation rental units are typically private residences, and thus restricted from access by the general public, complying with the requirement for publicly accessible bathrooms could be difficult. Vacation rentals can also be private residences when not being rented out, and having to comply with the requirement on a year round basis may also cause issues during times the unit is not open to the public.<sup>39</sup>

Currently, s. 509.215, F.S., uses the term “public lodging facility” in the context of public firesafety requirements applicable to public lodging establishments. The bill amends this section to include vacation rentals in the requirements, but only refers in s. 509.215(6), F.S., to a “public lodging facility” without referring to vacation rentals. Under the bill, a vacation rental is not a public lodging facility. As a result, it is unclear how this requirement would apply to vacation rentals. One interpretation is that a vacation rental would be required to have one such smoke detector per 50 units.<sup>40</sup>

### **VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 159.27, 212.08, 316.1955, 404.056, 477.0135, 509.013, 509.032, 509.072, 509.091, 509.092, 509.095, 509.101, 509.111, 509.141, 509.142, 509.144, 509.162, 509.191, 509.2015, 509.211, 509.2112, 509.215, 509.221, 509.241, 509.242, 509.251, 509.281, 509.302, 509.4005, 509.401, 509.402, 509.405, 509.409, 509.417, 553.5041, 717.1355, and 877.24.

This bill creates the following sections of the Florida Statutes: 509.601, 509.603, 509.604, 509.605, 509.6051, 509.606, 509.607, 509.608, and 509.609.

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<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *Supra* note 27, at page 7.

**IX. Additional Information:**

- A. Committee Substitute – Statement of Substantial Changes:  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS/CS by Regulated Industries on February 8, 2018:**

The committee substitute:

- Provides a statement of legislative intent that the application of vacation rental provisions created by the bill do not supersede any current or future declaration or declaration of condominium, cooperative documents, or declaration of covenants or declaration in a homeowners' association.
- Revises the definition of "vacation rental."
- Permits local governments to amend local laws, ordinances, or regulations to be less restrictive, when such local regulations prohibit vacation rentals, or regulate the duration or frequency of vacation rentals.

**CS by Community Affairs on January 30, 2018:**

The committee substitute:

- Creates a section preempting all licensing of vacation rentals to the state.
- Requires a license application to contain the operator's emergency contact number. Also allows a temporary license to be issued and allows vacation rental to begin use while application is pending.
- Allows the division to fine, suspend, or revoke the license of any vacation rental when the advertisement for the vacation rental does not display the vacation rental license number.
- Regulates multiple unit vacation rentals. When five or more vacation rentals in multifamily dwellings are under common ownership and are rented out more than 180 days per year, such rental is subject to additional requirements, including biannual inspections.
- Defines a vacation rental as any unit in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is rented to guests for periods of less than 180 days but that is not a timeshare project.
- Requires the division to make the vacation rental license information required under chapter 509 to be available to the public, and allows local governments to use this license information for informational purposes only.
- Grandfathers local ordinances adopted on or before June 1, 2011.
- Sets maximum occupancy limits for vacation rentals.

- B. Amendments:

None.



607912

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/09/2018	.	
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The Committee on Regulated Industries (Hutson) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 121 - 144

and insert:

subject matter; intent; duties.-

(1) The Legislature finds that:

(a) Property owners who choose to use their property as a vacation rental have constitutionally protected property rights and other rights that must be protected, including the right to use their residential property as a vacation rental;



11 (b) Vacation rentals play a significant, unique, and  
12 critical role in Florida's tourism industry, and that role is  
13 different from that of public lodging establishments;

14 (c) There are factors unique to the ownership and operation  
15 of a vacation rental; and

16 (d) Vacation rentals are residential in nature and, thus,  
17 belong in residential neighborhoods.

18 (2) This part is created for the purpose of regulating the  
19 factors unique to vacation rentals. The applicable provisions of  
20 part I of this chapter are hereby deemed incorporated into this  
21 part.

22 (3) All regulation of vacation rentals is preempted to the  
23 state unless otherwise provided for in this chapter.

24 (4) The division has the authority to carry out this  
25 chapter.

26 (5) The division shall adopt rules pursuant to ss.  
27 120.536(1) and 120.54 to implement this part.

28 (6) The Legislature does not intend for the application of  
29 this part to supersede any current or future declaration or  
30 declaration of condominium enacted pursuant to chapter 718,  
31 cooperative documents enacted pursuant to chapter 719, or  
32 declaration of covenants or declaration enacted pursuant to  
33 chapter 720.

34 (7) If any provision of this part is held invalid, it is

35  
36 ===== T I T L E A M E N D M E N T =====

37 And the title is amended as follows:

38 Between lines 10 and 11

39 insert:



607912

40

providing legislative intent;



855834

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/09/2018	.	
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The Committee on Regulated Industries (Steube) recommended the following:

**Senate Amendment**

Delete lines 553 - 557  
and insert:

(17) "Vacation rental" means any unit or group of units in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling that is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, but that is not a timeshare



855834

11 project.





330130

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
02/09/2018	.	
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The Committee on Regulated Industries (Steube) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 700 - 715

and insert:

(b)1. A local government may regulate activities that arise when a property is used as a vacation rental only when such regulation applies uniformly to all residential properties without regard to whether the property is used as a vacation rental or as a long-term rental subject to part II of chapter 83 or whether a property owner chooses not to rent the property.



11 This subparagraph does not apply to any local law, ordinance, or  
12 regulation adopted on or before June 1, 2011 including when such  
13 local law, ordinance, or regulation is being amended to be less  
14 restrictive

15 2. The division shall make the vacation rental license  
16 information required under this chapter, including the  
17 operator's emergency contact information, available to the  
18 public and local governments. Local governments may use this  
19 license information for informational purposes only. A local  
20 law, ordinance, or regulation may not prohibit vacation rentals  
21 or regulate the duration or frequency of rental of vacation  
22 rentals. This paragraph does not apply to any local law,  
23 ordinance, or regulation adopted on or before June 1, 2011.

24 (c) Subparagraph (b)1. Paragraph (b) does not apply to any  
25 local law,  
26

27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 Delete lines 83 - 88

30 and insert:

31 public food service establishments; specifying that  
32 local governments may regulate activities that arise  
33 when a property is used as a vacation rental, subject  
34 to certain conditions; grandfathering certain local  
35 laws, ordinances, and regulations; requiring the  
36 division to make vacation rental license information  
37 available to the public and local governments;  
38 deleting a prohibition against certain local  
39 regulation of vacation rentals; amending ss. 159.27,



403792

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/09/2018	.	
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The Committee on Regulated Industries (Gibson) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 1497 and 1498

insert:

Section 48. Paragraph (c) of subsection (1) of section 413.08, Florida Statutes, is amended to read:

413.08 Rights and responsibilities of an individual with a disability; use of a service animal; prohibited discrimination in public employment, public accommodations, and housing accommodations; penalties.—



11 (1) As used in this section and s. 413.081, the term:  
12 (c) "Public accommodation" means a common carrier,  
13 airplane, motor vehicle, railroad train, motor bus, streetcar,  
14 boat, or other public conveyance or mode of transportation;  
15 hotel; vacation rental as defined in s. 509.013; a timeshare  
16 that is a transient public lodging establishment as defined in  
17 s. 509.013; lodging place; place of public accommodation,  
18 amusement, or resort; and other places to which the general  
19 public is invited, subject only to the conditions and  
20 limitations established by law and applicable alike to all  
21 persons. The term does not include air carriers covered by the  
22 Air Carrier Access Act of 1986, 49 U.S.C. s. 41705, and by  
23 regulations adopted by the United States Department of  
24 Transportation to implement such act.

25 Section 49. Subsections (1) and (4) of section 553.504,  
26 Florida Statutes, are amended to read:

27 553.504 Exceptions to applicability of the federal  
28 standards.—Notwithstanding the adoption of the Americans with  
29 Disabilities Act Standards for Accessible Design pursuant to s.  
30 553.503, all buildings, structures, and facilities in this state  
31 must meet the following additional requirements if such  
32 requirements provide increased accessibility:

33 (1) All new or altered public buildings and facilities,  
34 private buildings and facilities, places of public  
35 accommodation, vacation rentals as defined in s. 509.013  
36 licensed after July 1, 2018, and commercial facilities, as those  
37 terms are defined by the standards, subject to this part, must  
38 comply with this part.

39 (4) In motels and hotels a number of rooms equaling at



40 least 5 percent of the guest rooms minus the number of  
41 accessible rooms required by the standards, and in the case of a  
42 vacation rental as defined in s. 509.013 licensed after July 1,  
43 2018, at least one bedroom and one bathroom, must provide the  
44 following special accessibility features:

45 (a) Grab rails in bathrooms and toilet rooms that comply  
46 with s. 604.5 of the standards.

47 (b) All beds in designed accessible guest rooms must be an  
48 open-frame type that allows the passage of lift devices.

49 (c) Water closets that comply with section 604.4 of the  
50 standards.

51

52 All buildings, structures, or facilities licensed as a hotel,  
53 motel, vacations rental as defined in s. 509.013 licensed after  
54 July 1, 2018, or condominium pursuant to chapter 509 are subject  
55 to this subsection. This subsection does not relieve the owner  
56 of the responsibility of providing accessible rooms in  
57 conformance with ss. 224 and 806 of the standards.

58

59 ===== T I T L E A M E N D M E N T =====

60 And the title is amended as follows:

61 Delete line 105

62 and insert:

63 717.1355, and 877.24, F.S.; amending s. 413.08, F.S.;

64 revising the definition of the term "public

65 accommodation" to include vacation rentals; amending

66 s. 553.504, F.S.; requiring vacation rentals to meet

67 certain additional requirements for increased

68 accessibility for persons with disabilities;



403792

69

conforming cross-



108410

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/09/2018	.	
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The Committee on Regulated Industries (Thurston) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 1497 and 1498

insert:

Section 48. Paragraph (a) of subsection (11) of section 760.02, Florida Statutes, is amended to read:

760.02 Definitions.—For the purposes of ss. 760.01-760.11 and 509.092, the term:

(11) "Public accommodations" means places of public accommodation, lodgings, facilities principally engaged in



11 selling food for consumption on the premises, gasoline stations,  
12 places of exhibition or entertainment, and other covered  
13 establishments. Each of the following establishments which  
14 serves the public is a place of public accommodation within the  
15 meaning of this section:

16 (a) Any inn, hotel, motel, vacation rental as defined in s.  
17 509.013, or other establishment which provides lodging to  
18 transient guests, other than an establishment located within a  
19 building which contains not more than four rooms for rent or  
20 hire and which is actually occupied by the proprietor of such  
21 establishment as his or her residence.

22 Section 49. Section 760.08, Florida Statutes, is amended to  
23 read:

24 760.08 Discrimination in places of public accommodation.—

25 (1) All persons are entitled to the full and equal  
26 enjoyment of the goods, services, facilities, privileges,  
27 advantages, and accommodations of any place of public  
28 accommodation without discrimination or segregation on the  
29 ground of race, color, national origin, sex, pregnancy,  
30 handicap, familial status, or religion.

31 (2) In order to assist with the enforcement of subsection  
32 (1) as it applies to vacation rentals as defined in s. 509.013,  
33 operators of vacation rentals shall maintain a register of  
34 instances where guests were denied accommodations. The register  
35 must include the name of the guest denied accommodations and the  
36 basis for the denial. This register must be maintained in  
37 chronological order and available for inspection by the Division  
38 of Hotels and Restaurants of the Department of Business and  
39 Professional Regulation at any time.





108410

40  
41 ===== T I T L E A M E N D M E N T =====

42 And the title is amended as follows:

43       Delete line 105

44 and insert:

45       717.1355, and 877.24, F.S.; amending s. 760.02, F.S.;  
46       revising the definition of "public accommodations" to  
47       include vacation rentals; amending s. 760.08, F.S.;  
48       requiring operators of vacation rentals to maintain,  
49       for inspection by the division at any time, a register  
50       of guests denied accommodations and the basis for such  
51       denial; conforming cross-



335180

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/09/2018	.	
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The Committee on Regulated Industries (Steube) recommended the following:

1           **Senate Substitute for Amendment (330130) (with title**  
2 **amendment)**

3  
4           Delete lines 700 - 715  
5 and insert:

6           (b) 1. A local government may regulate activities that arise  
7 when a property is used as a vacation rental only when such  
8 regulation applies uniformly to all residential properties  
9 without regard to whether the property is used as a vacation  
10 rental or as a long-term rental subject to part II of chapter 83



11 or whether a property owner chooses not to rent the property.  
12 Such regulation also may not prohibit vacation rentals or  
13 regulate the duration or frequency of a rental. This  
14 subparagraph does not apply to any local law, ordinance, or  
15 regulation adopted on or before June 1, 2011, including when  
16 such local law, ordinance, or regulation is being amended to be  
17 less restrictive.

18 2. The division shall make the vacation rental license  
19 information required under this chapter, including the  
20 operator's emergency contact information, available to the  
21 public and local governments. Local governments may use this  
22 license information for informational purposes only. A local  
23 law, ordinance, or regulation may not prohibit vacation rentals  
24 or regulate the duration or frequency of rental of vacation  
25 rentals. This paragraph does not apply to any local law,  
26 ordinance, or regulation adopted on or before June 1, 2011.

27 (c) Subparagraph (b)1. Paragraph (b) does not apply to any  
28 local law,

29  
30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

32 Delete lines 83 - 88

33 and insert:

34 public food service establishments; specifying that  
35 local governments may regulate activities that arise  
36 when a property is used as a vacation rental, subject  
37 to certain conditions; grandfathering certain local  
38 laws, ordinances, and regulations; requiring the  
39 division to make vacation rental license information



335180

40 available to the public and local governments;  
41 deleting a prohibition against certain local  
42 regulation of vacation rentals; amending ss. 159.27,

**By** the Committees on Regulated Industries; and Community Affairs; and Senators Steube, Simmons, and Brandes

580-03026A-18

20181400c2

1                                   A bill to be entitled  
2       An act relating to vacation rentals; providing a  
3       directive to the Division of Law Revision and  
4       Information; creating s. 509.601, F.S.; providing a  
5       short title; creating s. 509.603, F.S.; providing  
6       legislative findings; specifying purpose; preempting  
7       certain regulation and control of vacation rentals to  
8       the state; specifying authority of the Division of  
9       Hotels and Restaurants over regulation of vacation  
10      rentals; requiring the division to adopt rules;  
11      providing legislative intent; specifying applicability  
12      of the preemption; creating s. 509.604, F.S.;  
13      preempting licensing of vacation rentals to the state;  
14      requiring vacation rentals to obtain a license;  
15      specifying that individuals cannot transfer licenses;  
16      specifying a penalty for operating without a license;  
17      requiring local law enforcement to assist with  
18      enforcement; specifying that the division may refuse  
19      to issue or renew a license under certain  
20      circumstances; specifying that licenses must be  
21      renewed annually and that the division must adopt  
22      rules for staggered renewals; specifying the manner in  
23      which administrative proceedings proceed upon the  
24      expiration of a license; specifying that persons  
25      intending to use a property as a vacation rental apply  
26      for and receive a license before use; requiring  
27      applications for a license to include the operator's  
28      emergency contact phone number; requiring the division  
29      to issue a temporary license upon receipt of an

580-03026A-18

20181400c2

30 application; requiring such licenses to be displayed  
31 in a vacation rental; creating s. 509.605, F.S.;  
32 requiring the division to adopt rules regarding  
33 certain license and delinquent fees; specifying the  
34 maximum number of units under one license; specifying  
35 requirements regarding such fees; creating s.  
36 509.6051, F.S.; specifying maximum occupancy for  
37 vacation rentals; creating s. 509.606, F.S.; providing  
38 penalties for violations; specifying the circumstances  
39 that constitute a separate offense of a critical law  
40 or rule; specifying circumstances under which a  
41 closed-for-operation sign must be posted; specifying  
42 where administrative fines must be paid and credited  
43 to; specifying the maximum amount of time a vacation  
44 rental license may be suspended; specifying certain  
45 circumstances where the division may fine, suspend, or  
46 revoke the license of a vacation rental; specifying  
47 that persons are not entitled to a license when  
48 administrative proceedings have been or will be  
49 brought against a licensee; providing enforcement for  
50 noncompliance with final orders or other  
51 administrative actions; authorizing the division to  
52 refuse the issuance or renewal of a license until all  
53 fines have been paid; creating s. 509.607, F.S.;  
54 specifying that vacation rentals are to be treated as  
55 transient rentals regarding certain landlord and  
56 tenant provisions; exempting persons renting or  
57 advertising for rent from certain real estate  
58 regulations; creating s. 509.608, F.S.; preempting

580-03026A-18

20181400c2

59 inspection of vacation rentals to the state;  
60 specifying that the division is solely responsible for  
61 inspections and quality assurance; specifying that the  
62 division has a right of entry and access for  
63 performing inspections; prohibiting the division from  
64 establishing certain rules; specifying that vacation  
65 rentals must be made available for inspection upon  
66 request; specifying procedures for vulnerable adults  
67 appearing to be victims of neglect and, in the case of  
68 buildings without automatic sprinkler systems, persons  
69 who may not be able to self-preserve in an emergency;  
70 requiring the division to inspect vacation rentals  
71 when necessary to respond to emergencies and  
72 epidemiological conditions; amending s. 509.609, F.S.;  
73 specifying additional requirements when a specified  
74 number of certain vacation rental units that are under  
75 common ownership are rented out for a specified number  
76 of nights per year; specifying inspection requirements  
77 for such vacation rentals; specifying penalties;  
78 requiring the division to audit at least a specified  
79 number such vacation rentals per year; amending s.  
80 509.013, F.S.; revising and defining terms; amending  
81 s. 509.032, F.S.; specifying provisions for inspection  
82 of vacation rentals; revising the requirements of a  
83 report relating to inspection of public lodging and  
84 public food service establishments; specifying that  
85 local governments may regulate activities that arise  
86 when a property is used as a vacation rental, subject  
87 to certain conditions; grandfathering certain local

580-03026A-18

20181400c2

88 laws, ordinances, and regulations; requiring the  
89 division to make vacation rental license information  
90 available to the public and local governments;  
91 deleting a prohibition against certain local  
92 regulation of vacation rentals; amending ss. 159.27,  
93 212.08, 316.1955, 404.056, and 477.0135, F.S.;  
94 conforming cross-references; amending ss. 509.072,  
95 509.091, 509.092, 509.095, 509.101, 509.111, 509.141,  
96 509.142, 509.144, 509.162, 509.191, 509.2015, 509.211,  
97 509.2112, and 509.215, F.S.; conforming provisions to  
98 changes made by the act; amending s. 509.221, F.S.;  
99 conforming provisions to changes made by the act;  
100 revising a provision that excludes vacation rentals  
101 from certain sanitary regulations for public lodging;  
102 amending s. 509.241, F.S.; conforming provisions to  
103 changes made by the act; amending s. 509.242, F.S.;  
104 removing vacation rentals from the classifications of  
105 public lodging establishments; amending ss. 509.251,  
106 509.281, 509.302, 509.4005, 509.401, 509.402, 509.405,  
107 509.409, and 509.417, F.S.; conforming provisions to  
108 changes made by the act; amending ss. 553.5041,  
109 717.1355, and 877.24, F.S.; conforming cross-  
110 references; providing an effective date.

111  
112 Be It Enacted by the Legislature of the State of Florida:

113  
114 Section 1. The Division of Law Revision and Information is  
115 directed to create part III of chapter 509, Florida Statutes,  
116 consisting of ss. 509.601-509.609, Florida Statutes, to be



580-03026A-18

20181400c2

117 entitled "Vacation Rentals."

118 Section 2. Section 509.601, Florida Statutes, is created to  
119 read:

120 509.601 Short title.—This part may be cited as the "Florida  
121 Vacation Rental Act."

122 Section 3. Section 509.603, Florida Statutes, is created to  
123 read:

124 509.603 Legislative findings and purpose; preemption of  
125 subject matter; intent; duties.—

126 (1) The Legislature finds that:

127 (a) Property owners who choose to use their property as a  
128 vacation rental have constitutionally protected property rights  
129 and other rights that must be protected, including the right to  
130 use their residential property as a vacation rental;

131 (b) Vacation rentals play a significant, unique, and  
132 critical role in Florida's tourism industry, and that role is  
133 different from that of public lodging establishments;

134 (c) There are factors unique to the ownership and operation  
135 of a vacation rental; and

136 (d) Vacation rentals are residential in nature and, thus,  
137 belong in residential neighborhoods.

138 (2) This part is created for the purpose of regulating the  
139 factors unique to vacation rentals. The applicable provisions of  
140 part I of this chapter are hereby deemed incorporated into this  
141 part.

142 (3) All regulation of vacation rentals is preempted to the  
143 state unless otherwise provided for in this chapter.

144 (4) The division has the authority to carry out this  
145 chapter.

580-03026A-18

20181400c2

146       (5) The division shall adopt rules pursuant to ss.  
147 120.536(1) and 120.54 to implement this part.

148       (6) The Legislature does not intend for the application of  
149 this part to supersede any current or future declaration or  
150 declaration of condominium enacted pursuant to chapter 718,  
151 cooperative documents enacted pursuant to chapter 719, or  
152 declaration of covenants or declaration enacted pursuant to  
153 chapter 720.

154       (7) If any provision of this part is held invalid, it is  
155 the legislative intent that the preemption by this section be no  
156 longer applicable to the provision of the part held invalid.

157       Section 4. Section 509.604, Florida Statutes, is created to  
158 read:

159       509.604 Licenses required; exceptions.

160       (1) PREEMPTION.—All licensing of vacation rentals is  
161 preempted to the state.

162       (2) LICENSES; ANNUAL RENEWALS.—Each vacation rental shall  
163 obtain a license from the division. Such license may not be  
164 transferred from one place or individual to another. It shall be  
165 a misdemeanor of the second degree, punishable as provided in s.  
166 775.082 or s. 775.083, for such a rental to operate without a  
167 license. Local law enforcement shall provide immediate  
168 assistance in pursuing an illegally operating vacation rental.  
169 The division may refuse to issue a license, or a renewal  
170 thereof, to any vacation rental of an operator of which, within  
171 the preceding 5 years, has been adjudicated guilty of, or has  
172 forfeited a bond when charged with, any crime reflecting on  
173 professional character, including soliciting for prostitution,  
174 pandering, letting premises for prostitution, keeping a

580-03026A-18

20181400c2

175 disorderly place, or illegally dealing in controlled substances  
176 as defined in chapter 893, whether in this state or in any other  
177 jurisdiction within the United States, or has had a license  
178 denied, revoked, or suspended pursuant to s. 429.14. Licenses  
179 must be renewed annually, and the division shall adopt a rule  
180 establishing a staggered schedule for license renewals. If any  
181 license expires while administrative charges are pending against  
182 the license, the proceedings against the license shall continue  
183 to conclusion as if the license were still in effect.

184 (3) APPLICATION FOR LICENSE.—Each person intending to use  
185 his or her property as a vacation rental must apply for and  
186 receive a license from the division before the commencement of  
187 such use. The license application must require the operator's  
188 emergency contact telephone number. The division must  
189 immediately issue a temporary license upon receipt of such  
190 application and such temporary license allows the property to  
191 begin use as a vacation rental while the application is pending  
192 action. The temporary license expires upon final agency action  
193 on the license application.

194 (4) DISPLAY OF LICENSE.—Any license issued by the division  
195 must be conspicuously displayed in the vacation rental.

196 Section 5. Section 509.605, Florida Statutes, is created to  
197 read:

198 509.605 License fees.—

199 (1) The division shall adopt by rule a fee to be paid by  
200 each vacation rental as a prerequisite to issuance or renewal of  
201 a license. Vacation rental units within separate buildings or at  
202 separate locations but managed by one licensed operator may be  
203 combined in a single license application, and the division shall

580-03026A-18

20181400c2

204 charge a license fee as if all units in the application are a  
205 single vacation rental; however, such fee may not exceed \$1,000.  
206 The division may only issue a license for a maximum of 75 units  
207 under one license. The rule must require a vacation rental that  
208 applies for an initial license to pay the full license fee if  
209 application is made during the annual renewal period or more  
210 than 6 months before the next such renewal period and one-half  
211 of the fee if application is made 6 months or less before such  
212 period. The rule must also require that fees be collected for  
213 the purpose of funding the Hospitality Education Program,  
214 pursuant to s. 509.302. Such fees must be payable in full for  
215 each application regardless of when the application is  
216 submitted.

217 (2) Upon making initial application or an application for  
218 change of ownership of a vacation rental, the applicant must pay  
219 to the division a fee as prescribed by rule, not to exceed \$50,  
220 in addition to any other fees required by law, which must cover  
221 all costs associated with initiating regulation of the vacation  
222 rental.

223 (3) A license renewal filed with the division after the  
224 expiration date must be accompanied by a delinquent fee as  
225 prescribed by rule, not to exceed \$50, in addition to the  
226 renewal fee and any other fees required by law.

227 Section 6. Section 509.6051, Florida Statutes, is created  
228 to read:

229 509.6051 Occupancy limits.—Vacation rentals have a maximum  
230 occupancy limit of the lesser of the following:

231 (1) Four persons plus two additional persons for each  
232 sleeping room.

580-03026A-18

20181400c2

233 (2) One person for each 150 square feet of finished area.

234 Section 7. Section 509.606, Florida Statutes, is created to  
235 read:

236 509.606 Revocation or suspension of licenses; fines;  
237 procedure.—

238 (1) Any vacation rental operating in violation of this part  
239 or the rules of the division, operating without a license, or  
240 operating with a suspended or revoked license may be subject by  
241 the division to:

242 (a) Fines not to exceed \$1,000 per offense; and

243 (b) The suspension, revocation, or refusal of a license  
244 issued pursuant to this chapter.

245 (2) For the purposes of this section, the division may  
246 regard as a separate offense each day or portion of a day on  
247 which a vacation rental is operated in violation of a "critical  
248 law or rule," as that term is defined by rule.

249 (3) The division shall post a prominent closed-for-  
250 operation sign on any vacation rental, the license of which has  
251 been suspended or revoked. The division shall also post such  
252 sign on any vacation rental judicially or administratively  
253 determined to be operating without a license. It is a  
254 misdemeanor of the second degree, punishable as provided in s.  
255 775.082 or s. 775.083, for any person to deface or remove such  
256 closed-for-operation sign or for any vacation rental to open for  
257 operation without a license or to open for operation while its  
258 license is suspended or revoked. The division may impose  
259 administrative sanctions for violations of this section.

260 (4) All funds received by the division as satisfaction for  
261 administrative fines must be paid into the State Treasury to the

580-03026A-18

20181400c2

262 credit of the Hotel and Restaurant Trust Fund and may not  
263 subsequently be used for payment to any entity performing  
264 required inspections under contract with the division.  
265 Administrative fines may be used to support division programs  
266 pursuant to s. 509.302(1).

267 (5) (a) A license may not be suspended under this section  
268 for a period of more than 12 months. At the end of such period  
269 of suspension, the vacation rental may apply for reinstatement  
270 or renewal of the license. A vacation rental, the license of  
271 which is revoked, may not apply for another license for that  
272 location before the date on which the revoked license would have  
273 expired.

274 (b) The division may fine, suspend, or revoke the license  
275 of any vacation rental if an operator knowingly lets, leases, or  
276 gives space for unlawful gambling purposes or permits unlawful  
277 gambling in such establishment or in or upon any premises which  
278 are used in connection with, and are under the same charge,  
279 control, or management as, such establishment.

280 (6) The division may fine, suspend, or revoke the license  
281 of any vacation rental when:

282 (a) Any person with a direct financial interest in the  
283 licensed vacation rental, within the preceding 5 years in this  
284 state, any other state, or the United States, has been  
285 adjudicated guilty of or forfeited a bond when charged with  
286 soliciting for prostitution, pandering, letting premises for  
287 prostitution, keeping a disorderly place, illegally dealing in  
288 controlled substances as defined in chapter 893, or any other  
289 crime reflecting on professional character.

290 (b) The division has deemed such vacation rental to be an

580-03026A-18

20181400c2

291 imminent danger to the public health and safety for failure to  
292 meet sanitation standards, or the division has determined the  
293 vacation rental to be unsafe or unfit for human occupancy.

294 (c) An advertisement for the vacation rental does not  
295 display the vacation rental license number.

296 (7) A person is not entitled to the issuance of a license  
297 for any vacation rental except in the discretion of the director  
298 when the division has notified the current licensee for such  
299 premises that administrative proceedings have been or will be  
300 brought against such current licensee for violation of any  
301 provision of this chapter or rule of the division.

302 (8) The division may fine, suspend, or revoke the license  
303 of any vacation rental when the rental is not in compliance with  
304 the requirements of a final order or other administrative action  
305 issued against the licensee by the division.

306 (9) The division may refuse to issue or renew the license  
307 of any vacation rental until all outstanding fines are paid in  
308 full to the division as required by all final orders or other  
309 administrative action issued against the licensee by the  
310 division.

311 Section 8. Section 509.607, Florida Statutes, is created to  
312 read:

313 509.607 Exemptions.—Vacation rentals are exempt from  
314 chapter 83 in the same manner as transient rentals. Any person,  
315 partnership, corporation, or other legal entity which, for  
316 another and for compensation or other valuable consideration,  
317 rents or advertises for rent a vacation rental licensed under  
318 chapter 509 is exempt from chapter 475.

319 Section 9. Section 509.608, Florida Statutes, is created to

580-03026A-18

20181400c2

320 read:

321 509.608 Inspection of premises.-

322 (1) Inspection of vacation rentals is preempted to the  
323 state, and the division has jurisdiction and is solely  
324 responsible for all inspections. The division is solely  
325 responsible for quality assurance.

326 (2) For purposes of performing inspections and the  
327 enforcement of this chapter, the division has the right of entry  
328 and access to a vacation rental at any reasonable time.

329 (3) The division may not establish by rule any regulation  
330 governing the design, construction, erection, alteration,  
331 modification, repair, or demolition of any vacation rental.

332 (4) Vacation rentals must be made available to the division  
333 for inspection upon request. If, during the inspection of a  
334 vacation rental, an inspector identifies vulnerable adults who  
335 appear to be victims of neglect, as defined in s. 415.102, or,  
336 in the case of a building that is not equipped with automatic  
337 sprinkler systems, tenants or clients who may be unable to self-  
338 preserve in an emergency, the division shall convene meetings  
339 with the following agencies as appropriate to the individual  
340 situation: the Department of Health, the Department of Elderly  
341 Affairs, the area agency on aging, the local fire marshal, the  
342 landlord and affected tenants and clients, and other relevant  
343 organizations, to develop a plan that improves the prospects for  
344 safety of affected residents and, if necessary, identifies  
345 alternative living arrangements, such as facilities licensed  
346 under part II of chapter 400 or under chapter 429.

347 (5) The division shall inspect vacation rentals whenever  
348 necessary to respond to an emergency or epidemiological



580-03026A-18

20181400c2

349 condition.

350 Section 10. Section 509.609, Florida Statutes, is created  
351 to read:

352 509.609 Multiple unit vacation rental operators, additional  
353 requirements.-

354 (1) When 5 or more vacation rentals in multifamily  
355 dwelling are under common ownership and any such vacation  
356 rental is rented out more than 180 days per year, such vacation  
357 rental is subject to the additional requirements of this  
358 section.

359 (2) In addition to the requirements of s. 509.604:

360 (a) When applying for an initial license, operators of  
361 vacation rentals subject to this section must identify to the  
362 division each such vacation rental they intend to rent out more  
363 than 180 days during the term of the license. Such vacation  
364 rentals must be subject to the same inspection requirements as  
365 public lodging establishments under s. 509.032(2).

366 (b) When applying for a license renewal, all vacation  
367 rentals subject to this section which were rented out more than  
368 180 days during the previous licensure period or which are  
369 intended to be rented out more than 180 days during the term of  
370 the license are subject to the same inspection requirements as  
371 public lodging establishments under s. 509.032(2).

372 (3) Violations of this section subject a vacation rental  
373 that is required to but fails to comply with this section to  
374 license revocation or suspension.

375 (4) Each year, the division must audit at least 1 percent  
376 of operators who are subject to this section to ensure  
377 compliance. During an audit, the division must request from the

580-03026A-18

20181400c2

378 vacation rental operator the register required under s.  
379 509.101(2) to ascertain the number of nights rented.

380 (5) This section does not apply to single-family houses.

381 Section 11. Section 509.013, Florida Statutes, is reordered  
382 and amended to read:

383 509.013 Definitions.—As used in this chapter, the term:

384 (2)~~(1)~~ "Division" means the Division of Hotels and  
385 Restaurants of the Department of Business and Professional  
386 Regulation.

387 (7)~~(2)~~ "Operator" means the owner, licensee, proprietor,  
388 lessee, manager, assistant manager, or appointed agent of a  
389 public lodging establishment, vacation rental, or public food  
390 service establishment.

391 (3) "Guest" means any patron, customer, tenant, lodger,  
392 boarder, or occupant of a public lodging establishment, vacation  
393 rental, or public food service establishment.

394 (9)~~(4)~~ (a) "Public lodging establishment" includes a  
395 transient public lodging establishment as defined in  
396 subparagraph 1. and a nontransient public lodging establishment  
397 as defined in subparagraph 2.

398 1. "Transient public lodging establishment" means any unit,  
399 group of units, dwelling, building, or group of buildings within  
400 a single complex of buildings which is rented to guests more  
401 than three times in a calendar year for periods of less than 30  
402 days or 1 calendar month, whichever is less, or which is  
403 advertised or held out to the public as a place regularly rented  
404 to guests.

405 2. "Nontransient public lodging establishment" means any  
406 unit, group of units, dwelling, building, or group of buildings

580-03026A-18

20181400c2

407 within a single complex of buildings which is rented to guests  
408 for periods of at least 30 days or 1 calendar month, whichever  
409 is less, or which is advertised or held out to the public as a  
410 place regularly rented to guests for periods of at least 30 days  
411 or 1 calendar month.

412

413 License classifications of public lodging establishments, and  
414 the definitions therefor, are set out in s. 509.242. For the  
415 purpose of licensure, the term does not include condominium  
416 common elements as defined in s. 718.103.

417 (b) The following are excluded from the definitions in  
418 paragraph (a):

419 1. Any dormitory or other living or sleeping facility  
420 maintained by a public or private school, college, or university  
421 for the use of students, faculty, or visitors.

422 2. Any facility certified or licensed and regulated by the  
423 Agency for Health Care Administration or the Department of  
424 Children and Families or other similar place regulated under s.  
425 381.0072.

426 3. Any place renting four rental units or less, unless the  
427 rental units are advertised or held out to the public to be  
428 places that are regularly rented to transients.

429 4. Any unit or group of units in a condominium,  
430 cooperative, or timeshare plan and any individually or  
431 collectively owned one-family, two-family, three-family, or  
432 four-family dwelling house or dwelling unit that is rented for  
433 periods of at least 30 days or 1 calendar month, whichever is  
434 less, and that is not advertised or held out to the public as a  
435 place regularly rented for periods of less than 1 calendar

580-03026A-18

20181400c2

436 month, provided that no more than four rental units within a  
437 single complex of buildings are available for rent.

438 5. Any migrant labor camp or residential migrant housing  
439 permitted by the Department of Health under ss. 381.008-  
440 381.00895.

441 6. Any establishment inspected by the Department of Health  
442 and regulated by chapter 513.

443 7. Any nonprofit organization that operates a facility  
444 providing housing only to patients, patients' families, and  
445 patients' caregivers and not to the general public.

446 8. Any apartment building inspected by the United States  
447 Department of Housing and Urban Development or other entity  
448 acting on the department's behalf that is designated primarily  
449 as housing for persons at least 62 years of age. The division  
450 may require the operator of the apartment building to attest in  
451 writing that such building meets the criteria provided in this  
452 subparagraph. The division may adopt rules to implement this  
453 requirement.

454 9. Any roominghouse, boardinghouse, or other living or  
455 sleeping facility that may not be classified as a hotel, motel,  
456 timeshare project, ~~vacation rental~~, nontransient apartment, bed  
457 and breakfast inn, or transient apartment under s. 509.242.

458 10. Any vacation rental.

459 (8)-(5)(a) "Public food service establishment" means any  
460 building, vehicle, place, or structure, or any room or division  
461 in a building, vehicle, place, or structure where food is  
462 prepared, served, or sold for immediate consumption on or in the  
463 vicinity of the premises; called for or taken out by customers;  
464 or prepared before ~~prior to~~ being delivered to another location

580-03026A-18

20181400c2

465 for consumption. The term includes a culinary education program,  
466 as defined in s. 381.0072(2), which offers, prepares, serves, or  
467 sells food to the general public, regardless of whether it is  
468 inspected by another state agency for compliance with sanitation  
469 standards.

470 (b) The following are excluded from the definition in  
471 paragraph (a):

472 1. Any place maintained and operated by a public or private  
473 school, college, or university:

474 a. For the use of students and faculty; or

475 b. Temporarily to serve such events as fairs, carnivals,  
476 food contests, cook-offs, and athletic contests.

477 2. Any eating place maintained and operated by a church or  
478 a religious, nonprofit fraternal, or nonprofit civic  
479 organization:

480 a. For the use of members and associates; or

481 b. Temporarily to serve such events as fairs, carnivals,  
482 food contests, cook-offs, or athletic contests.

483

484 Upon request by the division, a church or a religious, nonprofit  
485 fraternal, or nonprofit civic organization claiming an exclusion  
486 under this subparagraph must provide the division documentation  
487 of its status as a church or a religious, nonprofit fraternal,  
488 or nonprofit civic organization.

489 3. Any eating place maintained and operated by an  
490 individual or entity at a food contest, cook-off, or a temporary  
491 event lasting from 1 to 3 days which is hosted by a church or a  
492 religious, nonprofit fraternal, or nonprofit civic organization.  
493 Upon request by the division, the event host must provide the

580-03026A-18

20181400c2

494 division documentation of its status as a church or a religious,  
495 nonprofit fraternal, or nonprofit civic organization.

496 4. Any eating place located on an airplane, train, bus, or  
497 watercraft which is a common carrier.

498 5. Any eating place maintained by a facility certified or  
499 licensed and regulated by the Agency for Health Care  
500 Administration or the Department of Children and Families or  
501 other similar place that is regulated under s. 381.0072.

502 6. Any place of business issued a permit or inspected by  
503 the Department of Agriculture and Consumer Services under s.  
504 500.12.

505 7. Any place of business where the food available for  
506 consumption is limited to ice, beverages with or without  
507 garnishment, popcorn, or prepackaged items sold without  
508 additions or preparation.

509 8. Any theater, if the primary use is as a theater and if  
510 patron service is limited to food items customarily served to  
511 the admittees of theaters.

512 9. Any vending machine that dispenses any food or beverages  
513 other than potentially hazardous foods, as defined by division  
514 rule.

515 10. Any vending machine that dispenses potentially  
516 hazardous food and which is located in a facility regulated  
517 under s. 381.0072.

518 11. Any research and development test kitchen limited to  
519 the use of employees and which is not open to the general  
520 public.

521 (1)~~(6)~~ "Director" means the Director of the Division of  
522 Hotels and Restaurants of the Department of Business and

580-03026A-18

20181400c2

523 Professional Regulation.

524 (10)~~(7)~~ "Single complex of buildings" means all buildings  
525 or structures that are owned, managed, controlled, or operated  
526 under one business name and are situated on the same tract or  
527 plot of land that is not separated by a public street or  
528 highway.

529 (11)~~(8)~~ "Temporary food service event" means any event of  
530 30 days or less in duration where food is prepared, served, or  
531 sold to the general public.

532 (12)~~(9)~~ "Theme park or entertainment complex" means a  
533 complex consisting ~~comprised~~ of at least 25 contiguous acres  
534 owned and controlled by the same business entity and which  
535 contains permanent exhibitions and a variety of recreational  
536 activities and has a minimum of 1 million visitors annually.

537 (13)~~(10)~~ "Third-party provider" means, for purposes of s.  
538 509.049, any provider of an approved food safety training  
539 program that provides training or such a training program to a  
540 public food service establishment that is not under common  
541 ownership or control with the provider.

542 (15)~~(11)~~ "Transient establishment" means any public lodging  
543 establishment that is rented or leased to guests by an operator  
544 whose intention is that such guests' occupancy will be  
545 temporary.

546 (16)~~(12)~~ "Transient occupancy" means occupancy when it is  
547 the intention of the parties that the occupancy will be  
548 temporary. There is a rebuttable presumption that, when the  
549 dwelling unit occupied is not the sole residence of the guest,  
550 the occupancy is transient.

551 (14)~~(13)~~ "Transient" means a guest in transient occupancy.

580-03026A-18

20181400c2

552        (5) ~~(14)~~ "Nontransient establishment" means any public  
553 lodging establishment that is rented or leased to guests by an  
554 operator whose intention is that the dwelling unit occupied will  
555 be the sole residence of the guest.

556        (6) ~~(15)~~ "Nontransient occupancy" means any occupancy in  
557 which ~~when~~ it is the intention of the parties that such ~~the~~  
558 occupancy will not be temporary. There is a rebuttable  
559 presumption that, when the dwelling unit occupied is the sole  
560 residence of the guest, the occupancy is nontransient.

561        (4) ~~(16)~~ "Nontransient" means a guest in nontransient  
562 occupancy.

563        (17) "Vacation rental" means any unit or group of units in  
564 a condominium or cooperative or any individually or collectively  
565 owned single-family, two-family, three-family, or four-family  
566 house or dwelling that is rented to guests more than three times  
567 in a calendar year for periods of less than 30 days or 1  
568 calendar month, whichever is less, but that is not a timeshare  
569 project.

570        Section 12. Paragraphs (a) and (d) of subsection (2),  
571 paragraph (c) of subsection (3), subsection (5), and subsection  
572 (7) of section 509.032, Florida Statutes, are amended to read:

573        509.032 Duties.—

574        (2) INSPECTION OF PREMISES.—

575        (a) The division has jurisdiction and is responsible for  
576 all inspections required by this chapter. The inspection of  
577 vacation rentals shall be done in accordance with part III of  
578 this chapter. The division is responsible for quality assurance.  
579 The division shall inspect each licensed public lodging  
580 establishment at least biannually, except for transient and



580-03026A-18

20181400c2

581 nontransient apartments, which shall be inspected at least  
582 annually. Each establishment licensed by the division shall be  
583 inspected at such other times as the division determines is  
584 necessary to ensure the public's health, safety, and welfare.  
585 The division shall adopt by rule a risk-based inspection  
586 frequency for each licensed public food service establishment.  
587 The rule must require at least one, but not more than four,  
588 routine inspections that must be performed annually, and may  
589 include guidelines that consider the inspection and compliance  
590 history of a public food service establishment, the type of food  
591 and food preparation, and the type of service. The division  
592 shall reassess the inspection frequency of all licensed public  
593 food service establishments at least annually. Public lodging  
594 units classified as ~~vacation rentals~~ or timeshare projects are  
595 not subject to this requirement but shall be made available to  
596 the division upon request. If, during the inspection of a public  
597 lodging establishment classified for renting to transient or  
598 nontransient tenants, an inspector identifies vulnerable adults  
599 who appear to be victims of neglect, as defined in s. 415.102,  
600 or, in the case of a building that is not equipped with  
601 automatic sprinkler systems, tenants or clients who may be  
602 unable to self-preserve in an emergency, the division shall  
603 convene meetings with the following agencies as appropriate to  
604 the individual situation: the Department of Health, the  
605 Department of Elderly Affairs, the area agency on aging, the  
606 local fire marshal, the landlord and affected tenants and  
607 clients, and other relevant organizations, to develop a plan  
608 that improves the prospects for safety of affected residents  
609 and, if necessary, identifies alternative living arrangements

580-03026A-18

20181400c2

610 such as facilities licensed under part II of chapter 400 or  
611 under chapter 429.

612 (d) The division shall adopt and enforce sanitation rules  
613 consistent with law to ensure the protection of the public from  
614 food-borne illness in those establishments licensed under this  
615 chapter. These rules shall provide the standards and  
616 requirements for obtaining, storing, preparing, processing,  
617 serving, or displaying food in public food service  
618 establishments, approving public food service establishment  
619 facility plans, conducting necessary public food service  
620 establishment inspections for compliance with sanitation  
621 regulations, cooperating and coordinating with the Department of  
622 Health in epidemiological investigations, and initiating  
623 enforcement actions, and for other such responsibilities deemed  
624 necessary by the division. The division may not establish by  
625 rule any regulation governing the design, construction,  
626 erection, alteration, modification, repair, or demolition of any  
627 public lodging or public food service establishment. It is the  
628 intent of the Legislature to preempt that function to the  
629 Florida Building Commission and the State Fire Marshal through  
630 adoption and maintenance of the Florida Building Code and the  
631 Florida Fire Prevention Code. The division shall provide  
632 technical assistance to the commission in updating the  
633 construction standards of the Florida Building Code which govern  
634 public lodging and public food service establishments. Further,  
635 the division shall enforce the provisions of the Florida  
636 Building Code which apply to public lodging and public food  
637 service establishments in conducting any inspections authorized  
638 by this part. The division, or its agent, shall notify the local

580-03026A-18

20181400c2

639 firesafety authority or the State Fire Marshal of any readily  
640 observable violation of a rule adopted under chapter 633 which  
641 relates to public lodging establishments, vacation rental, or  
642 public food establishments, and the identification of such  
643 violation does not require any firesafety inspection  
644 certification.

645 (3) SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD SERVICE  
646 EVENTS.—The division shall:

647 (c) Administer a public notification process for temporary  
648 food service events and distribute educational materials that  
649 address safe food storage, preparation, and service procedures.

650 1. Sponsors of temporary food service events shall notify  
651 the division not less than 3 days before the scheduled event of  
652 the type of food service proposed, the time and location of the  
653 event, a complete list of food service vendors participating in  
654 the event, the number of individual food service facilities each  
655 vendor will operate at the event, and the identification number  
656 of each food service vendor's current license as a public food  
657 service establishment or temporary food service event licensee.  
658 Notification may be completed orally, by telephone, in person,  
659 or in writing. A public food service establishment or food  
660 service vendor may not use this notification process to  
661 circumvent the license requirements of this chapter.

662 2. The division shall keep a record of all notifications  
663 received for proposed temporary food service events and shall  
664 provide appropriate educational materials to the event sponsors  
665 and notify the event sponsors of the availability of the food-  
666 recovery brochure developed under s. 595.420.

667 3.a. Unless excluded under s. 509.013(8)(b) ~~s.~~

580-03026A-18

20181400c2

668 ~~509.013(5)(b)~~, a public food service establishment or other food  
669 service vendor must obtain one of the following classes of  
670 license from the division: an individual license, for a fee of  
671 no more than \$105, for each temporary food service event in  
672 which it participates; or an annual license, for a fee of no  
673 more than \$1,000, that entitles the licensee to participate in  
674 an unlimited number of food service events during the license  
675 period. The division shall establish license fees, by rule, and  
676 may limit the number of food service facilities a licensee may  
677 operate at a particular temporary food service event under a  
678 single license.

679 b. Public food service establishments holding current  
680 licenses from the division may operate under the regulations of  
681 such a license at temporary food service events.

682 (5) REPORTS REQUIRED.—The division shall submit annually to  
683 the Governor, the President of the Senate, the Speaker of the  
684 House of Representatives, and the chairs of the legislative  
685 appropriations committees a report, which shall state, but need  
686 not be limited to, the total number of active public lodging and  
687 public food service licenses in the state, the total number of  
688 inspections of these establishments conducted by the division to  
689 ensure the enforcement of sanitary standards, the total number  
690 of inspections conducted in response to emergency or  
691 epidemiological conditions, the number of violations of each  
692 sanitary standard, the total number of inspections conducted to  
693 meet the statutorily required number of inspections, and any  
694 recommendations for improved inspection procedures. The division  
695 shall also keep accurate account of all expenses arising out of  
696 the performance of its duties and all fees collected under this

580-03026A-18

20181400c2

697 chapter. The report shall be submitted by September 30 following  
698 the end of the fiscal year. This report must also include  
699 vacation rentals, as applicable.

700 (7) LOCAL REGULATION ~~PREEMPTION AUTHORITY.~~-

701 (a) The regulation of public lodging establishments and  
702 public food service establishments, including, but not limited  
703 to, sanitation standards, inspections, training and testing of  
704 personnel, and matters related to the nutritional content and  
705 marketing of foods offered in such establishments, is preempted  
706 to the state. This paragraph does not preempt the authority of a  
707 local government or local enforcement district to conduct  
708 inspections of public lodging and public food service  
709 establishments for compliance with the Florida Building Code and  
710 the Florida Fire Prevention Code, pursuant to ss. 553.80 and  
711 633.206.

712 (b) 1. A local government may regulate activities that arise  
713 when a property is used as a vacation rental only when such  
714 regulation applies uniformly to all residential properties  
715 without regard to whether the property is used as a vacation  
716 rental or as a long-term rental subject to part II of chapter 83  
717 or whether a property owner chooses not to rent the property.  
718 Such regulation also may not prohibit vacation rentals or  
719 regulate the duration or frequency of a rental. This  
720 subparagraph does not apply to any local law, ordinance, or  
721 regulation adopted on or before June 1, 2011, including when  
722 such local law, ordinance, or regulation is being amended to be  
723 less restrictive.

724 2. The division shall make the vacation rental license  
725 information required under this chapter, including the

580-03026A-18

20181400c2

726 operator's emergency contact information, available to the  
727 public and local governments. Local governments may use this  
728 license information for informational purposes only. ~~A local~~  
729 ~~law, ordinance, or regulation may not prohibit vacation rentals~~  
730 ~~or regulate the duration or frequency of rental of vacation~~  
731 ~~rentals. This paragraph does not apply to any local law,~~  
732 ~~ordinance, or regulation adopted on or before June 1, 2011.~~

733 (c) Subparagraph (b)1. ~~Paragraph (b)~~ does not apply to any  
734 local law, ordinance, or regulation exclusively relating to  
735 property valuation as a criterion for vacation rental if the  
736 local law, ordinance, or regulation is required to be approved  
737 by the state land planning agency pursuant to an area of  
738 critical state concern designation.

739 Section 13. Subsection (12) of section 159.27, Florida  
740 Statutes, is amended to read:

741 159.27 Definitions.—The following words and terms, unless  
742 the context clearly indicates a different meaning, shall have  
743 the following meanings:

744 (12) "Public lodging or restaurant facility" means property  
745 used for any public lodging establishment as defined in s.  
746 509.242 or public food service establishment as defined in s.  
747 509.013 ~~s. 509.013(5)~~ if it is part of the complex of, or  
748 necessary to, another facility qualifying under this part.

749 Section 14. Paragraph (jj) of subsection (7) of section  
750 212.08, Florida Statutes, is amended to read:

751 212.08 Sales, rental, use, consumption, distribution, and  
752 storage tax; specified exemptions.—The sale at retail, the  
753 rental, the use, the consumption, the distribution, and the  
754 storage to be used or consumed in this state of the following

580-03026A-18

20181400c2

755 are hereby specifically exempt from the tax imposed by this  
756 chapter.

757 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any  
758 entity by this chapter do not inure to any transaction that is  
759 otherwise taxable under this chapter when payment is made by a  
760 representative or employee of the entity by any means,  
761 including, but not limited to, cash, check, or credit card, even  
762 when that representative or employee is subsequently reimbursed  
763 by the entity. In addition, exemptions provided to any entity by  
764 this subsection do not inure to any transaction that is  
765 otherwise taxable under this chapter unless the entity has  
766 obtained a sales tax exemption certificate from the department  
767 or the entity obtains or provides other documentation as  
768 required by the department. Eligible purchases or leases made  
769 with such a certificate must be in strict compliance with this  
770 subsection and departmental rules, and any person who makes an  
771 exempt purchase with a certificate that is not in strict  
772 compliance with this subsection and the rules is liable for and  
773 shall pay the tax. The department may adopt rules to administer  
774 this subsection.

775 (jj) *Complimentary meals.*—Also exempt from the tax imposed  
776 by this chapter are food or drinks that are furnished as part of  
777 a packaged room rate by any person offering for rent or lease  
778 any transient living accommodations as described in s.  
779 509.013(9)(a) ~~s. 509.013(4)(a)~~ which are licensed under part I  
780 of chapter 509 and which are subject to the tax under s. 212.03,  
781 if a separate charge or specific amount for the food or drinks  
782 is not shown. Such food or drinks are considered to be sold at  
783 retail as part of the total charge for the transient living

580-03026A-18

20181400c2

784 accommodations. Moreover, the person offering the accommodations  
785 is not considered to be the consumer of items purchased in  
786 furnishing such food or drinks and may purchase those items  
787 under conditions of a sale for resale.

788 Section 15. Paragraph (b) of subsection (4) of section  
789 316.1955, Florida Statutes, is amended to read:

790 316.1955 Enforcement of parking requirements for persons  
791 who have disabilities.-

792 (4)

793 (b) Notwithstanding paragraph (a), a theme park or ~~an~~  
794 entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~  
795 which provides parking in designated areas for persons who have  
796 disabilities may allow any vehicle that is transporting a person  
797 who has a disability to remain parked in a space reserved for  
798 persons who have disabilities throughout the period the theme  
799 park is open to the public for that day.

800 Section 16. Subsection (5) of section 404.056, Florida  
801 Statutes, is amended to read:

802 404.056 Environmental radiation standards and projects;  
803 certification of persons performing measurement or mitigation  
804 services; mandatory testing; notification on real estate  
805 documents; rules.-

806 (5) NOTIFICATION ON REAL ESTATE DOCUMENTS.-Notification  
807 shall be provided on at least one document, form, or application  
808 executed at the time of, or prior to, contract for sale and  
809 purchase of any building or execution of a rental agreement for  
810 any building. Such notification shall contain the following  
811 language:

812



580-03026A-18

20181400c2

813 "RADON GAS: Radon is a naturally occurring radioactive gas  
814 that, when it has accumulated in a building in sufficient  
815 quantities, may present health risks to persons who are exposed  
816 to it over time. Levels of radon that exceed federal and state  
817 guidelines have been found in buildings in Florida. Additional  
818 information regarding radon and radon testing may be obtained  
819 from your county health department."

820

821 The requirements of this subsection do not apply to any  
822 residential transient occupancy, as described in s. 509.013(16)  
823 ~~s. 509.013(12)~~, provided that such occupancy is 45 days or less  
824 in duration.

825 Section 17. Subsection (6) of section 477.0135, Florida  
826 Statutes, is amended to read:

827 477.0135 Exemptions.—

828 (6) A license is not required of any individual providing  
829 makeup or special effects services in a theme park or  
830 entertainment complex to an actor, stunt person, musician,  
831 extra, or other talent, or providing makeup or special effects  
832 services to the general public. The term "theme park or  
833 entertainment complex" has the same meaning as in s. 509.013 ~~s.~~  
834 ~~509.013(9)~~.

835 Section 18. Subsection (1) of section 509.072, Florida  
836 Statutes, is amended to read:

837 509.072 Hotel and Restaurant Trust Fund; collection and  
838 disposition of moneys received.—

839 (1) There is created a Hotel and Restaurant Trust Fund to  
840 be used for the administration and operation of the division and  
841 the carrying out of all laws and rules under the jurisdiction of

580-03026A-18

20181400c2

842 the division pertaining to the construction, maintenance, and  
843 operation of public lodging establishments, vacation rentals,  
844 and public food service establishments, including the inspection  
845 of elevators as required under chapter 399. All funds collected  
846 by the division and the amounts paid for licenses and fees shall  
847 be deposited in the State Treasury into the Hotel and Restaurant  
848 Trust Fund.

849 Section 19. Section 509.091, Florida Statutes, is amended  
850 to read:

851 509.091 Notices; form and service.—

852 (1) Each notice served by the division pursuant to this  
853 chapter must be in writing and must be delivered personally by  
854 an agent of the division or by registered letter to the operator  
855 of the public lodging establishment, vacation rental, or public  
856 food service establishment. If the operator refuses to accept  
857 service or evades service or the agent is otherwise unable to  
858 effect service after due diligence, the division may post such  
859 notice in a conspicuous place at the establishment.

860 (2) Notwithstanding subsection (1), the division may  
861 deliver lodging inspection reports and food service inspection  
862 reports to the operator of the public lodging establishment, vacation rental, or public food service establishment by  
863 electronic means.  
864

865 Section 20. Section 509.092, Florida Statutes, is amended  
866 to read:

867 509.092 Public lodging establishments, vacation rentals,  
868 and public food service establishments; rights as private  
869 enterprises.—Public lodging establishments and public food  
870 service establishments are private enterprises, and the operator

580-03026A-18

20181400c2

871 has the right to refuse accommodations or service to any person  
872 who is objectionable or undesirable to the operator, but such  
873 refusal may not be based upon race, creed, color, sex,  
874 pregnancy, physical disability, or national origin. A person  
875 aggrieved by a violation of this section or a violation of a  
876 rule adopted under this section has a right of action pursuant  
877 to s. 760.11.

878 Section 21. Section 509.095, Florida Statutes, is amended  
879 to read:

880 509.095 Accommodations at public lodging establishments or  
881 vacation rentals for individuals with a valid military  
882 identification card.—Upon the presentation of a valid military  
883 identification card by an individual who is currently on active  
884 duty as a member of the United States Armed Forces, National  
885 Guard, Reserve Forces, or Coast Guard, and who seeks to obtain  
886 accommodations at a hotel, motel, or bed and breakfast inn, as  
887 defined in s. 509.242, or vacation rental, such hotel, motel, ~~or~~  
888 bed and breakfast inn, or vacation rental shall waive any  
889 minimum age policy that it may have which restricts  
890 accommodations to individuals based on age. Duplication of a  
891 military identification card presented pursuant to this section  
892 is prohibited.

893 Section 22. Subsections (1) and (2) of section 509.101,  
894 Florida Statutes, are amended to read:

895 509.101 Establishment rules; posting of notice; food  
896 service inspection report; maintenance of guest register; mobile  
897 food dispensing vehicle registry.—

898 (1) Any operator of a public lodging establishment,  
899 vacation rental, or ~~a~~ public food service establishment may

580-03026A-18

20181400c2

900 establish reasonable rules and regulations for the management of  
901 the establishment and its guests and employees; and each guest  
902 or employee staying, sojourning, eating, or employed in the  
903 establishment shall conform to and abide by such rules and  
904 regulations so long as the guest or employee remains in or at  
905 the establishment. Such rules and regulations shall be deemed to  
906 be a special contract between the operator and each guest or  
907 employee using the services or facilities of the operator. Such  
908 rules and regulations shall control the liabilities,  
909 responsibilities, and obligations of all parties. Any rules or  
910 regulations established pursuant to this section shall be  
911 printed in the English language and posted in a prominent place  
912 within such public lodging establishment, vacation rental, or  
913 public food service establishment. In addition, any operator of  
914 a public food service establishment shall maintain a copy of the  
915 latest food service inspection report and shall make it  
916 available to the division at the time of any division inspection  
917 of the establishment and to the public, upon request.

918 (2) It is the duty of each operator of a transient  
919 establishment or vacation rental to maintain at all times a  
920 register of, ~~signed by or for~~ guests who occupy rental units  
921 within the establishment, showing the dates upon which the  
922 rental units were occupied by such guests and the rates charged  
923 for their occupancy. This register shall be maintained in  
924 chronological order and available for inspection by the division  
925 at any time. Operators need not make available registers which  
926 are more than 2 years old.

927 Section 23. Section 509.111, Florida Statutes, is amended  
928 to read:

580-03026A-18

20181400c2

929 509.111 Liability for property of guests.—

930 (1) The operator of a public lodging establishment or  
931 vacation rental is not under any obligation to accept for  
932 safekeeping any moneys, securities, jewelry, or precious stones  
933 of any kind belonging to any guest, and, if such are accepted  
934 for safekeeping, the operator is not liable for the loss thereof  
935 unless such loss was the proximate result of fault or negligence  
936 of the operator. However, the liability of the operator shall be  
937 limited to \$1,000 for such loss, if the public lodging  
938 establishment or vacation rental gave a receipt for the property  
939 (stating the value) on a form which stated, in type large enough  
940 to be clearly noticeable, that the public lodging establishment  
941 or vacation rental was not liable for any loss exceeding \$1,000  
942 and was only liable for that amount if the loss was the  
943 proximate result of fault or negligence of the operator.

944 (2) The operator of a public lodging establishment or  
945 vacation rental is not liable or responsible to any guest for  
946 the loss of wearing apparel, goods, or other property, except as  
947 provided in subsection (1), unless such loss occurred as the  
948 proximate result of fault or negligence of such operator, and,  
949 in case of fault or negligence, the operator is not liable for a  
950 greater sum than \$500, unless the guest, before ~~prior to~~ the  
951 loss or damage, files with the operator an inventory of the  
952 guest's effects and the value thereof and the operator is given  
953 the opportunity to inspect such effects and check them against  
954 such inventory. The operator of a public lodging establishment  
955 or vacation rental is not liable or responsible to any guest for  
956 the loss of effects listed in such inventory in a total amount  
957 exceeding \$1,000.

580-03026A-18

20181400c2

958 Section 24. Section 509.141, Florida Statutes, is amended  
959 to read:

960 509.141 Refusal of admission and ejection of undesirable  
961 guests; notice; procedure; penalties for refusal to leave.—

962 (1) The operator of any public lodging establishment,  
963 vacation rental, or public food service establishment may remove  
964 or cause to be removed from such establishment, in the manner  
965 hereinafter provided, any guest of the establishment who, while  
966 on the premises of the establishment, illegally possesses or  
967 deals in controlled substances as defined in chapter 893 or is  
968 intoxicated, profane, lewd, or brawling; who indulges in any  
969 language or conduct which disturbs the peace and comfort of  
970 other guests or which injures the reputation, dignity, or  
971 standing of the establishment; who, in the case of a public  
972 lodging establishment or vacation rental, fails to make payment  
973 of rent at the agreed-upon rental rate by the agreed-upon  
974 checkout time; who, in the case of a public lodging  
975 establishment or vacation rental, fails to check out by the time  
976 agreed upon in writing by the guest and public lodging  
977 establishment or vacation rental at check-in unless an extension  
978 of time is agreed to by the public lodging establishment or  
979 vacation rental and guest before ~~prior to~~ checkout; who, in the  
980 case of a public food service establishment, fails to make  
981 payment for food, beverages, or services; or who, in the opinion  
982 of the operator, is a person the continued entertainment of whom  
983 would be detrimental to such establishment. The admission to, or  
984 the removal from, such establishment may ~~shall~~ not be based upon  
985 race, creed, color, sex, physical disability, or national  
986 origin.

580-03026A-18

20181400c2

987           (2) The operator of any public lodging establishment,  
988 vacation rental, or public food service establishment shall  
989 notify such guest that the establishment no longer desires to  
990 entertain the guest and shall request that such guest  
991 immediately depart from the establishment. Such notice may be  
992 given orally or in writing. If the notice is in writing, it  
993 shall be as follows:

994

995           "You are hereby notified that this establishment no longer  
996 desires to entertain you as its guest, and you are requested to  
997 leave at once. To remain after receipt of this notice is a  
998 misdemeanor under the laws of this state."

999

1000 If such guest has paid in advance, the establishment shall, at  
1001 the time such notice is given, tender to such guest the unused  
1002 portion of the advance payment; however, the establishment may  
1003 withhold payment for each full day that the guest has been  
1004 entertained at the establishment for any portion of the 24-hour  
1005 period of such day.

1006           (3) Any guest who remains or attempts to remain in any such  
1007 establishment after being requested to leave commits ~~is guilty~~  
1008 ~~of~~ a misdemeanor of the second degree, punishable as provided in  
1009 s. 775.082 or s. 775.083.

1010           (4) If any person is illegally on the premises of any  
1011 public lodging establishment, vacation rental, or public food  
1012 service establishment, the operator of such establishment may  
1013 call upon any law enforcement officer of this state for  
1014 assistance. It is the duty of such law enforcement officer, upon  
1015 the request of such operator, to place under arrest and take

580-03026A-18

20181400c2

1016 into custody for violation of this section any guest who  
1017 violates subsection (3) in the presence of the officer. If a  
1018 warrant has been issued by the proper judicial officer for the  
1019 arrest of any violator of subsection (3), the officer shall  
1020 serve the warrant, arrest the person, and take the person into  
1021 custody. Upon arrest, with or without warrant, the guest will be  
1022 deemed to have given up any right to occupancy or to have  
1023 abandoned such right of occupancy of the premises, and the  
1024 operator of the establishment may then make such premises  
1025 available to other guests. However, the operator of the  
1026 establishment shall employ all reasonable and proper means to  
1027 care for any personal property which may be left on the premises  
1028 by such guest and shall refund any unused portion of moneys paid  
1029 by such guest for the occupancy of such premises.

1030 Section 25. Section 509.142, Florida Statutes, is amended  
1031 to read:

1032 509.142 Conduct on premises; refusal of service.—The  
1033 operator of a public lodging establishment, vacation rental, or  
1034 public food service establishment may refuse accommodations or  
1035 service to any person whose conduct on the premises of the  
1036 establishment displays intoxication, profanity, lewdness, or  
1037 brawling; who indulges in language or conduct such as to disturb  
1038 the peace or comfort of other guests; who engages in illegal or  
1039 disorderly conduct; who illegally possesses or deals in  
1040 controlled substances as defined in chapter 893; or whose  
1041 conduct constitutes a nuisance. Such refusal may not be based  
1042 upon race, creed, color, sex, physical disability, or national  
1043 origin.

1044 Section 26. Section 509.144, Florida Statutes, is amended



580-03026A-18

20181400c2

1045 to read:

1046 509.144 Prohibited handbill distribution in a public  
1047 lodging establishment or vacation rental; penalties.-

1048 (1) As used in this section, the term:

1049 (a) "Handbill" means a flier, leaflet, pamphlet, or other  
1050 written material that advertises, promotes, or informs persons  
1051 about a person, business, company, or food service establishment  
1052 but does not include employee communications permissible under  
1053 the National Labor Relations Act, other communications protected  
1054 by the First Amendment to the United States Constitution, or  
1055 communications about public health, safety, or welfare  
1056 distributed by a federal, state, or local governmental entity or  
1057 a public or private utility.

1058 (b) "Without permission" means without the expressed  
1059 written permission of the owner, manager, or agent of the owner  
1060 or manager of the public lodging establishment or vacation  
1061 rental where a sign is posted prohibiting advertising or  
1062 solicitation in the manner provided in subsection (5).

1063 (c) "At or in a public lodging establishment or vacation  
1064 rental" means any property under the sole ownership or control  
1065 of a public lodging establishment or vacation rental.

1066 (2) Any person, agent, contractor, or volunteer who is  
1067 acting on behalf of a person, business, company, or food service  
1068 establishment and who, without permission, delivers,  
1069 distributes, or places, or attempts to deliver, distribute, or  
1070 place, a handbill at or in a public lodging establishment or  
1071 vacation rental commits a misdemeanor of the first degree,  
1072 punishable as provided in s. 775.082 or s. 775.083.

1073 (3) Any person who, without permission, directs another

580-03026A-18

20181400c2

1074 person to deliver, distribute, or place, or attempts to deliver,  
1075 distribute, or place, a handbill at or in a public lodging  
1076 establishment or vacation rental commits a misdemeanor of the  
1077 first degree, punishable as provided in s. 775.082 or s.  
1078 775.083. Any person sentenced under this subsection shall be  
1079 ordered to pay a minimum fine of \$500 in addition to any other  
1080 penalty imposed by the court.

1081 (4) In addition to any penalty imposed by the court, a  
1082 person who violates subsection (2) or subsection (3) must:

1083 (a) ~~Shall~~ Pay a minimum fine of \$2,000 for a second  
1084 violation.

1085 (b) ~~Shall~~ Pay a minimum fine of \$3,000 for a third or  
1086 subsequent violation.

1087 (5) For purposes of this section, a public lodging  
1088 establishment or vacation rental that intends to prohibit  
1089 advertising or solicitation, as described in this section, at or  
1090 in such establishment must comply with the following  
1091 requirements when posting a sign prohibiting such solicitation  
1092 or advertising:

1093 (a) There must appear prominently on any sign referred to  
1094 in this subsection, in letters of not less than 2 inches in  
1095 height, the terms "no advertising" or "no solicitation" or terms  
1096 that indicate the same meaning.

1097 (b) The sign must be posted conspicuously.

1098 (c) If the main office of a ~~the~~ public lodging  
1099 establishment is immediately accessible by entering the office  
1100 through a door from a street, parking lot, grounds, or other  
1101 area outside such establishment, the sign must be placed on a  
1102 part of the main office, such as a door or window, and the sign

580-03026A-18

20181400c2

1103 must face the street, parking lot, grounds, or other area  
1104 outside such establishment.

1105 (d) If the main office of a ~~the~~ public lodging  
1106 establishment is not immediately accessible by entering the  
1107 office through a door from a street, parking lot, grounds, or  
1108 other area outside such establishment, the sign must be placed  
1109 in the immediate vicinity of the main entrance to such  
1110 establishment, and the sign must face the street, parking lot,  
1111 grounds, or other area outside such establishment.

1112 (6) Any personal property, including, but not limited to,  
1113 any vehicle, item, object, tool, device, weapon, machine, money,  
1114 security, book, or record, that is used or attempted to be used  
1115 as an instrumentality in the commission of, or in aiding and  
1116 abetting in the commission of, a person's third or subsequent  
1117 violation of this section, whether or not comprising an element  
1118 of the offense, is subject to seizure and forfeiture under the  
1119 Florida Contraband Forfeiture Act.

1120 Section 27. Subsections (1), (2), and (3) of section  
1121 509.162, Florida Statutes, are amended to read:

1122 509.162 Theft of personal property; detaining and arrest of  
1123 violator; theft by employee.-

1124 (1) Any law enforcement officer or operator of a public  
1125 lodging establishment, vacation rental, or public food service  
1126 establishment who has probable cause to believe that theft of  
1127 personal property belonging to such establishment has been  
1128 committed by a person and that the officer or operator can  
1129 recover such property or the reasonable value thereof by taking  
1130 the person into custody may, for the purpose of attempting to  
1131 effect such recovery or for prosecution, take such person into

580-03026A-18

20181400c2

1132 custody on the premises and detain such person in a reasonable  
1133 manner and for a reasonable period of time. If the operator  
1134 takes the person into custody, a law enforcement officer shall  
1135 be called to the scene immediately. The taking into custody and  
1136 detention by a law enforcement officer or operator of a public  
1137 lodging establishment, vacation rental, or public food service  
1138 establishment, if done in compliance with this subsection, does  
1139 not render such law enforcement officer or operator criminally  
1140 or civilly liable for false arrest, false imprisonment, or  
1141 unlawful detention.

1142 (2) Any law enforcement officer may arrest, either on or  
1143 off the premises and without warrant, any person if there is  
1144 probable cause to believe that person has committed theft in a  
1145 public lodging establishment, vacation rental, or ~~in a~~ public  
1146 food service establishment.

1147 (3) Any person who resists the reasonable effort of a law  
1148 enforcement officer or operator of a public lodging  
1149 establishment, vacation rental, or public food service  
1150 establishment to recover property which the law enforcement  
1151 officer or operator had probable cause to believe had been  
1152 stolen from the public lodging establishment, vacation rental,  
1153 or public food service establishment, and who is subsequently  
1154 found to be guilty of theft of the subject property, is guilty  
1155 of a misdemeanor of the first degree, punishable as provided in  
1156 s. 775.082 or s. 775.083, unless such person did not know, or  
1157 did not have reason to know, that the person seeking to recover  
1158 the property was a law enforcement officer or the operator. For  
1159 purposes of this section, the charge of theft and the charge of  
1160 resisting apprehension may be tried concurrently.

580-03026A-18

20181400c2

1161 Section 28. Section 509.191, Florida Statutes, is amended  
1162 to read:

1163 509.191 Unclaimed property.—Any property with an  
1164 identifiable owner which is left in a public lodging  
1165 establishment, vacation rental, or public food service  
1166 establishment, other than property belonging to a guest who has  
1167 vacated the premises without notice to the operator and with an  
1168 outstanding account, which property remains unclaimed after  
1169 being held by the establishment for 30 days after written notice  
1170 to the guest or owner of the property, shall become the property  
1171 of the establishment. Property without an identifiable owner  
1172 which is found in a public lodging establishment, vacation  
1173 rental, or public food service establishment is subject to the  
1174 provisions of chapter 705.

1175 Section 29. Section 509.2015, Florida Statutes, is amended  
1176 to read:

1177 509.2015 Telephone surcharges by public lodging  
1178 establishments and vacation rentals.—

1179 (1) A public lodging establishment or vacation rental that  
1180 ~~which~~ imposes a surcharge for any telephone call must post  
1181 notice of such surcharge in a conspicuous place located by each  
1182 telephone from which a call which is subject to a surcharge may  
1183 originate. Such notice must be plainly visible and printed on a  
1184 sign that is not less than 3 inches by 5 inches in size, and  
1185 such notice shall clearly state if the surcharge applies whether  
1186 or not the telephone call has been attempted or completed.

1187 (2) The division may, pursuant to s. 509.261 or s. 509.606,  
1188 suspend or revoke the license of, or impose a fine against, any  
1189 public lodging establishment or vacation rental that violates

580-03026A-18

20181400c2

1190 subsection (1).

1191 Section 30. Subsections (1), (2), and (3) of section  
1192 509.211, Florida Statutes, are amended to read:

1193 509.211 Safety regulations.—

1194 (1) Each bedroom or apartment in each public lodging  
1195 establishment or vacation rental must ~~shall~~ be equipped with an  
1196 approved locking device on each door opening to the outside, to  
1197 an adjoining room or apartment, or to a hallway.

1198 (2) (a) It is unlawful for any person to use within any  
1199 public lodging establishment, vacation rental, or public food  
1200 service establishment any fuel-burning wick-type equipment for  
1201 space heating unless such equipment is vented so as to prevent  
1202 the accumulation of toxic or injurious gases or liquids.

1203 (b) Any person who violates ~~the provisions of~~ paragraph (a)  
1204 commits a misdemeanor of the second degree, punishable as  
1205 provided in s. 775.082 or s. 775.083.

1206 (3) Each public lodging establishment or vacation rental  
1207 that is three or more stories in height must have safe and  
1208 secure railings on all balconies, platforms, and stairways, and  
1209 all such railings must be properly maintained and repaired. The  
1210 division may impose administrative sanctions for violations of  
1211 this subsection pursuant to s. 509.261.

1212 Section 31. Section 509.2112, Florida Statutes, is amended  
1213 to read:

1214 509.2112 Public lodging establishments and vacation rentals  
1215 three stories or more in height; inspection rules.—The Division  
1216 of Hotels and Restaurants of the Department of Business and  
1217 Professional Regulation is directed to provide rules to require  
1218 that:

580-03026A-18

20181400c2

1219 (1) Every public lodging establishment or vacation rental  
1220 that is three stories or more in height in the state file a  
1221 certificate stating that any and all balconies, platforms,  
1222 stairways, and railways have been inspected by a person  
1223 competent to conduct such inspections and are safe, secure, and  
1224 free of defects.

1225 (2) The information required under subsection (1) be filed  
1226 commencing January 1, 1991, and every 3 years thereafter, with  
1227 the Division of Hotels and Restaurants and the applicable county  
1228 or municipal authority responsible for building and zoning  
1229 permits.

1230 (3) If a public lodging establishment or vacation rental  
1231 that is three or more stories in height fails to file the  
1232 information required in subsection (1), the Division of Hotels  
1233 and Restaurants shall impose administrative sanctions pursuant  
1234 to s. 509.261.

1235 Section 32. Subsections (2) and (3), paragraph (a) of  
1236 subsection (4), and subsection (6) of section 509.215, Florida  
1237 Statutes, are amended to read:

1238 509.215 Firesafety.—

1239 (2) Any public lodging establishment or vacation rental, as  
1240 defined in this chapter, which is of three stories or more and  
1241 for which the construction contract was let before October 1,  
1242 1983, shall be equipped with:

1243 (a) A system which complies with subsection (1); or

1244 (b) An approved sprinkler system for all interior  
1245 corridors, public areas, storage rooms, closets, kitchen areas,  
1246 and laundry rooms, less individual guest rooms, if the following  
1247 conditions are met:

580-03026A-18

20181400c2

- 1248 1. There is a minimum 1-hour separation between each guest  
1249 room and between each guest room and a corridor.
- 1250 2. The building is constructed of noncombustible materials.
- 1251 3. The egress conditions meet the requirements of s. 5-3 of  
1252 the Life Safety Code, NFPA 101.
- 1253 4. The building has a complete automatic fire detection  
1254 system which meets the requirements of NFPA-72A and NFPA-72E,  
1255 including smoke detectors in each guest room individually  
1256 annunciating to a panel at a supervised location.
- 1257 (3) Notwithstanding any other provision of law to the  
1258 contrary, this section applies only to those public lodging  
1259 establishments and vacation rentals in a building wherein more  
1260 than 50 percent of the units in the building are advertised or  
1261 held out to the public as available for transient occupancy.
- 1262 (4) (a) Special exception to the provisions of this section  
1263 shall be made for a public lodging establishment or vacation  
1264 rental structure that is individually listed in the National  
1265 Register of Historic Places pursuant to the National Historic  
1266 Preservation Act of 1966, as amended; or is a contributing  
1267 property to a National Register-listed district; or is  
1268 designated as a historic property, or as a contributing property  
1269 to a historic district under the terms of a local preservation  
1270 ordinance.
- 1271 (6) Specialized smoke detectors for the deaf and hearing  
1272 impaired shall be available upon request by guests in public  
1273 lodging establishments or vacation rentals at a rate of at least  
1274 one such smoke detector per 50 dwelling units or portions  
1275 thereof, not to exceed five such smoke detectors per public  
1276 lodging facility.



580-03026A-18

20181400c2

1277 Section 33. Paragraph (a) of subsection (1), paragraph (b)  
1278 of subsection (2), subsection (4), and subsection (9) of section  
1279 509.221, Florida Statutes, are amended to read:

1280 509.221 Sanitary regulations.—

1281 (1) (a) Each public lodging establishment and vacation  
1282 rental shall be supplied with potable water and shall provide  
1283 adequate sanitary facilities for the accommodation of its  
1284 employees and guests. Such facilities may include, but are not  
1285 limited to, showers, handwash basins, toilets, and bidets. Such  
1286 sanitary facilities shall be connected to approved plumbing.  
1287 Such plumbing shall be sized, installed, and maintained in  
1288 accordance with the Florida Building Code as approved by the  
1289 local building authority. Wastewater or sewage shall be properly  
1290 treated onsite or discharged into an approved sewage collection  
1291 and treatment system.

1292 (2) (b) Within a theme park or entertainment complex as  
1293 defined in s. 509.013 ~~s. 509.013(9)~~, the bathrooms are not  
1294 required to be in the same building as the public food service  
1295 establishment, so long as they are reasonably accessible.

1296 (4) Each bedroom in a public lodging establishment and  
1297 vacation rental shall have an opening to the outside of the  
1298 building, air shafts, or courts sufficient to provide adequate  
1299 ventilation. Where ventilation is provided mechanically, the  
1300 system shall be capable of providing at least two air changes  
1301 per hour in all areas served. Where ventilation is provided by  
1302 windows, each room shall have at least one window opening  
1303 directly to the outside.

1304 (9) Subsections (2), (5), and (6) do not apply to any  
1305 facility or unit classified as a ~~vacation rental~~, nontransient

580-03026A-18

20181400c2

1306 apartment, or timeshare project as described in s. 509.242(1)(c)  
 1307 and (f) s. 509.242(1)(e), (d), and (g).

1308 Section 34. Subsection (2) of section 509.241, Florida  
 1309 Statutes, is amended to read:

1310 509.241 Licenses required; exceptions.—

1311 (2) APPLICATION FOR LICENSE.—Each person who plans to open  
 1312 a public lodging establishment or a public food service  
 1313 establishment shall apply for and receive a license from the  
 1314 division before ~~prior to~~ the commencement of operation. A  
 1315 condominium association, as defined in s. 718.103, which does  
 1316 not own any units classified as a timeshare project ~~vacation~~  
 1317 ~~rentals or timeshare projects~~ under s. 509.242(1)(f) or as a  
 1318 vacation rental ~~s. 509.242(1)(e) or (g)~~ is not required to apply  
 1319 for or receive a public lodging establishment license.

1320 Section 35. Subsection (1) of section 509.242, Florida  
 1321 Statutes, is amended to read:

1322 509.242 Public lodging establishments; classifications.—

1323 (1) A public lodging establishment is ~~shall be~~ classified  
 1324 as a hotel, motel, nontransient apartment, transient apartment,  
 1325 bed and breakfast inn, or timeshare project, ~~or vacation rental~~  
 1326 if the establishment satisfies the following criteria:

1327 (a) *Hotel*.—A hotel is any public lodging establishment  
 1328 containing sleeping room accommodations for 25 or more guests  
 1329 and providing the services generally provided by a hotel and  
 1330 recognized as a hotel in the community in which it is situated  
 1331 or by the industry.

1332 (b) *Motel*.—A motel is any public lodging establishment  
 1333 which offers rental units with an exit to the outside of each  
 1334 rental unit, daily or weekly rates, offstreet parking for each

580-03026A-18

20181400c2

1335 unit, a central office on the property with specified hours of  
1336 operation, a bathroom or connecting bathroom for each rental  
1337 unit, and at least six rental units, and which is recognized as  
1338 a motel in the community in which it is situated or by the  
1339 industry.

1340 ~~(c) *Vacation rental.*—A vacation rental is any unit or group~~  
1341 ~~of units in a condominium or cooperative or any individually or~~  
1342 ~~collectively owned single family, two family, three family, or~~  
1343 ~~four family house or dwelling unit that is also a transient~~  
1344 ~~public lodging establishment but that is not a timeshare~~  
1345 ~~project.~~

1346 ~~(d) *Nontransient apartment.*—A nontransient apartment is a~~  
1347 ~~building or complex of buildings in which 75 percent or more of~~  
1348 ~~the units are available for rent to nontransient tenants.~~

1349 ~~(d)(e) *Transient apartment.*—A transient apartment is a~~  
1350 ~~building or complex of buildings in which more than 25 percent~~  
1351 ~~of the units are advertised or held out to the public as~~  
1352 ~~available for transient occupancy.~~

1353 ~~(e)(f) *Bed and breakfast inn.*—A bed and breakfast inn is a~~  
1354 ~~family home structure, with no more than 15 sleeping rooms,~~  
1355 ~~which has been modified to serve as a transient public lodging~~  
1356 ~~establishment, which provides the accommodation and meal~~  
1357 ~~services generally offered by a bed and breakfast inn, and which~~  
1358 ~~is recognized as a bed and breakfast inn in the community in~~  
1359 ~~which it is situated or by the hospitality industry.~~

1360 ~~(f)(g) *Timeshare project.*—A timeshare project is a~~  
1361 ~~timeshare property, as defined in chapter 721, that is located~~  
1362 ~~in this state and that is also a transient public lodging~~  
1363 ~~establishment.~~

580-03026A-18

20181400c2

1364 Section 36. Subsection (1) of section 509.251, Florida  
1365 Statutes, is amended to read:

1366 509.251 License fees.—

1367 (1) The division shall adopt, by rule, a schedule of fees  
1368 to be paid by each public lodging establishment as a  
1369 prerequisite to issuance or renewal of a license. Such fees  
1370 shall be based on the number of rental units in the  
1371 establishment. The aggregate fee per establishment charged any  
1372 public lodging establishment may not exceed \$1,000; however, the  
1373 fees described in paragraphs (a) and (b) may not be included as  
1374 part of the aggregate fee subject to this cap. ~~Vacation rental~~  
1375 ~~units or~~ Timeshare projects within separate buildings or at  
1376 separate locations but managed by one licensed agent may be  
1377 combined in a single license application, and the division shall  
1378 charge a license fee as if all units in the application are in a  
1379 single licensed establishment. The fee schedule shall require an  
1380 establishment which applies for an initial license to pay the  
1381 full license fee if application is made during the annual  
1382 renewal period or more than 6 months before the next such  
1383 renewal period and one-half of the fee if application is made 6  
1384 months or less before such period. The fee schedule shall  
1385 include fees collected for the purpose of funding the  
1386 Hospitality Education Program, pursuant to s. 509.302, which are  
1387 payable in full for each application regardless of when the  
1388 application is submitted.

1389 (a) Upon making initial application or an application for  
1390 change of ownership, the applicant shall pay to the division a  
1391 fee as prescribed by rule, not to exceed \$50, in addition to any  
1392 other fees required by law, which shall cover all costs

580-03026A-18

20181400c2

1393 associated with initiating regulation of the establishment.

1394 (b) A license renewal filed with the division after the  
1395 expiration date shall be accompanied by a delinquent fee as  
1396 prescribed by rule, not to exceed \$50, in addition to the  
1397 renewal fee and any other fees required by law.

1398 Section 37. Subsection (1) of section 509.281, Florida  
1399 Statutes, is amended to read:

1400 509.281 Prosecution for violation; duty of state attorney;  
1401 penalties.—

1402 (1) The division or an agent of the division, upon  
1403 ascertaining by inspection that any public lodging  
1404 establishment, vacation rental, or public food service  
1405 establishment is being operated contrary to the provisions of  
1406 this chapter, shall make complaint and cause the arrest of the  
1407 violator, and the state attorney, upon request of the division  
1408 or agent, shall prepare all necessary papers and conduct the  
1409 prosecution. The division shall proceed in the courts by  
1410 mandamus or injunction whenever such proceedings may be  
1411 necessary to the proper enforcement of the provisions of this  
1412 chapter, of the rules adopted pursuant hereto, or of orders of  
1413 the division.

1414 Section 38. Paragraph (a) of subsection (2) of section  
1415 509.302, Florida Statutes, is amended to read:

1416 509.302 Hospitality Education Program.—

1417 (2)(a) All public lodging establishments, ~~and all~~ public  
1418 food service establishments, and vacation rentals licensed under  
1419 this chapter shall pay an annual fee of no more than \$10, which  
1420 shall be included in the annual license fee and used for the  
1421 sole purpose of funding the Hospitality Education Program.

580-03026A-18

20181400c2

1422 Section 39. Section 509.4005, Florida Statutes, is amended  
1423 to read:

1424 509.4005 Applicability of ss. 509.401-509.417.—Sections  
1425 509.401-509.417 apply only to guests in transient occupancy in a  
1426 public lodging establishment or vacation rental.

1427 Section 40. Subsection (1) of section 509.401, Florida  
1428 Statutes, is amended to read:

1429 509.401 Operator's right to lockout.—

1430 (1) If, upon a reasonable determination by an operator of a  
1431 public lodging establishment or vacation rental, a guest has  
1432 accumulated a large outstanding account at such establishment,  
1433 the operator may lock the guest out of the guest's rental unit  
1434 for the purpose of requiring the guest to confront the operator  
1435 and arrange for payment on the account. Such arrangement must be  
1436 in writing, and a copy must be furnished to the guest.

1437 Section 41. Section 509.402, Florida Statutes, is amended  
1438 to read:

1439 509.402 Operator's right to recover premises.—If the guest  
1440 of a public lodging establishment or vacation rental vacates the  
1441 premises without notice to the operator and the operator  
1442 reasonably believes the guest does not intend to satisfy the  
1443 outstanding account, the operator may recover the premises. Upon  
1444 recovery of the premises, the operator shall make an itemized  
1445 inventory of any property belonging to the guest and store such  
1446 property until a settlement or a final court judgment is  
1447 obtained on the guest's outstanding account. Such inventory  
1448 shall be conducted by the operator and at least one other person  
1449 who is not an agent of the operator.

1450 Section 42. Subsections (1) and (2) of section 509.405,

580-03026A-18

20181400c2

1451 Florida Statutes, are amended to read:

1452       509.405 Complaint; requirements.—To obtain an order  
1453 authorizing the issuance of a writ of distress upon final  
1454 judgment, the operator must first file with the clerk of the  
1455 court a complaint reciting and showing the following  
1456 information:

1457       (1) A statement as to the amount of the guest's account at  
1458 the public lodging establishment or vacation rental.

1459       (2) A statement that the plaintiff is the operator of the  
1460 public lodging establishment or vacation rental in which the  
1461 guest has an outstanding account. If the operator's interest in  
1462 such account is based on written documents, a copy of such  
1463 documents shall be attached to the complaint.

1464       Section 43. Section 509.409, Florida Statutes, is amended  
1465 to read:

1466       509.409 Writ; inventory.—When the officer seizes  
1467 distrainable property, either under s. 509.407 or s. 509.408,  
1468 and such property is seized on the premises of a public lodging  
1469 establishment or vacation rental, the officer shall inventory  
1470 the property, hold those items which, upon appraisal, would  
1471 appear to satisfy the plaintiff's claim, and return the  
1472 remaining items to the defendant. If the defendant cannot be  
1473 found, the officer shall hold all items of property. The officer  
1474 shall release the property only pursuant to law or a court  
1475 order.

1476       Section 44. Subsection (2) of section 509.417, Florida  
1477 Statutes, is amended to read:

1478       509.417 Writ; sale of property distrained.—

1479       (2) At the time any property levied on is sold, it must be

580-03026A-18

20181400c2

1480 advertised two times, the first advertisement being at least 10  
1481 days before the sale. All property so levied on may be sold on  
1482 the premises of the public lodging establishment or the vacation  
1483 rental or at the courthouse door.

1484 Section 45. Paragraph (b) of subsection (5) of section  
1485 553.5041, Florida Statutes, is amended to read:

1486 553.5041 Parking spaces for persons who have disabilities.—

1487 (5) Accessible perpendicular and diagonal accessible  
1488 parking spaces and loading zones must be designed and located to  
1489 conform to ss. 502 and 503 of the standards.

1490 (b) If there are multiple entrances or multiple retail  
1491 stores, the parking spaces must be dispersed to provide parking  
1492 at the nearest accessible entrance. If a theme park or an  
1493 entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~  
1494 provides parking in several lots or areas from which access to  
1495 the theme park or entertainment complex is provided, a single  
1496 lot or area may be designated for parking by persons who have  
1497 disabilities, if the lot or area is located on the shortest  
1498 accessible route to an accessible entrance to the theme park or  
1499 entertainment complex or to transportation to such an accessible  
1500 entrance.

1501 Section 46. Section 717.1355, Florida Statutes, is amended  
1502 to read:

1503 717.1355 Theme park and entertainment complex tickets.—This  
1504 chapter does not apply to any tickets for admission to a theme  
1505 park or entertainment complex as defined in s. 509.013 ~~s.~~  
1506 ~~509.013(9)~~, or to any tickets to a permanent exhibition or  
1507 recreational activity within such theme park or entertainment  
1508 complex.



580-03026A-18

20181400c2

1509 Section 47. Subsection (8) of section 877.24, Florida  
1510 Statutes, is amended to read:

1511 877.24 Nonapplication of s. 877.22.—Section 877.22 does not  
1512 apply to a minor who is:

1513 (8) Attending an organized event held at and sponsored by a  
1514 theme park or entertainment complex as defined in s. 509.013 ~~s.~~  
1515 ~~509.013(9)~~.

1516 Section 48. This act shall take effect July 1, 2018.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Judiciary, *Chair*  
Banking and Insurance, *Vice Chair*  
Agriculture  
Appropriations Subcommittee on Finance and Tax  
Appropriations Subcommittee on Pre-K - 12 Education  
Children, Families, and Elder Affairs  
Regulated Industries

### JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

### SENATOR GREG STEUBE

23rd District

January 30, 2018

The Honorable Travis Hutson  
Florida Senate  
314 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Dear Senator Hutson,

I am writing this letter because my bill, CS/SB 1400 – Vacation Rentals, has been referred to the Senate Regulated Industries Committee. I am respectfully requesting that you place the bill on your committee's calendar for the next committee week.

Thank you for your consideration. Please contact me if you have any questions.

Very respectfully yours,

A handwritten signature in blue ink, appearing to read "W. Gregory Steube".

W. Gregory Steube, District 23

#### REPLY TO:

- 6230 University Parkway, Suite 202, Sarasota, Florida 34240 (941) 342-9162
- 326 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5023

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**JOE NEGRON**  
President of the Senate

**ANITERE FLORES**  
President Pro Tempore

# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/8/2018

Meeting Date

1400

Bill Number (if applicable)

855834

Amendment Barcode (if applicable)

Topic Vacation Rentals

Name Jennifer Green

Job Title President

Address 113 E. College Ave

Phone (850) 841-1726

Street

Tallahassee, FL 32301

City

State

Zip

Email jennitee@libertypartbreast1.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing HomeAway & Expedia

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/8  
Meeting Date

1400  
Bill Number (if applicable)  
335180  
Amendment Barcode (if applicable)

Topic \_\_\_\_\_

Name CASEY COOK

Job Title Legislative Advocate

Address PO Box 1757  
Street

Phone \_\_\_\_\_

Tallahassee FL 32302  
City State Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing FLORIDA LEAGUE OF CITIES

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/8/2018

Meeting Date

1460

Bill Number (if applicable)

SA 335180

Amendment Barcode (if applicable)

Topic Vacation Rentals

Name Jennifer Green

Job Title President

Address 113 E. College Ave

Street

Tallahassee

City

FL

State

32301

Zip

Phone (850) 841-1726

Email jennifer@libertypartnerst.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing HomeAway & Expedia

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/8/17

Meeting Date

CS/SB 1400

Bill Number (if applicable)

335180

Amendment Barcode (if applicable)

Topic Vacation Rentals

Name Cari Roth

Job Title \_\_\_\_\_

Address 215 S. Monroe St., Suite 815

Street

Phone 850/999-4100

Tallahassee

FL

32301

Email croth@deanmead.com

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing City of Holmes Beach

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/8/2018

Meeting Date

1400

Bill Number (if applicable)

330130

Amendment Barcode (if applicable)

Topic Vacation Rentals

Name Jennifer Green

Job Title President

Address 113 E. College Ave

Street

Tallahassee

City

FL

State

32301

Zip

Phone (850) 841-1726

Email jennifer@libertypartnersf.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing HomeAway & Expedia

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/14/14)

# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/8/2018

Meeting Date

1400

Bill Number (if applicable)

108 410

Amendment Barcode (if applicable)

Topic Vacation Rentals

Name Jennifer Green

Job Title President

Address 113 E. College Ave

Street

Tallahassee

City

FL

State

32301

Zip

Phone (850) 841-1726

Email jennifer@libertypartnersfl.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing HomeAway & Expedia

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/8/19

1400

Meeting Date

Bill Number (if applicable)

Topic VACATION RENTALS

108410

Amendment Barcode (if applicable)

Name BRIAN BAUTISTA

THURSON AMEND.

Job Title LOBBYIST

Address 123 S. ADAMS ST

Phone 850-570-3016

Street

TALLAHASSEE FL 32308

City

State

Zip

Email bautista@SOSTRATEGY.COM

Speaking: [ ] For [ ] Against [X] Information

Waive Speaking: [ ] In Support [ ] Against (The Chair will read this information into the record.)

Representing AIRBNB

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

8/18  
Meeting Date

1400  
Bill Number (if applicable)

Topic Vacation Rentals

Amendment Barcode (if applicable)

Name Andy Gonzalez

Job Title Public Policy Representative

Address 200 S. Monroe St  
Street

Phone 850-224-1400

Tallahassee FL 32301  
City State Zip

Email andyg@floridarealtors.org

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida Realtors

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1406

Meeting Date \_\_\_\_\_

Bill Number (if applicable) \_\_\_\_\_

Topic Vacation Rentals

Amendment Barcode (if applicable) \_\_\_\_\_

Name Christopher Emmanuel

Job Title Policy Director

Address 136 S. Bronough

Phone \_\_\_\_\_

Street

TLH FL 32301

Email \_\_\_\_\_

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida Chamber of Commerce

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

2-8-18

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 1400

Meeting Date

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name Roslyn Wilkes

Job Title Airbnb Host

Address

Phone

Street

City

State

Zip

Email

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Airbnb Host

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/8/18

Meeting Date

1400

Bill Number (if applicable)

Topic VACATION RENTAL

Amendment Barcode (if applicable)

Name Dorinda Maynor

Job Title Mayor

Address 135 Hwy 40 W

Phone 352.229.0474

Englis FL 34449

City State Zip

Email mayordorinda@englis.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Town of Englis

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-8-18

Meeting Date

1400

Bill Number (if applicable)

Topic VACATION RENTALS

Amendment Barcode (if applicable)

Name MATTHEW SPARKS

Job Title COMMISSIONER OF OAKLAND PARK

Address 4241 NE 13TH AVE

Phone 954-655-4853

Street

OAKLAND PARK FL 33334

Email MATTHEWS@OAKLANDPARKFL.GOV

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing CITY OF OAKLAND PARK

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/8/18  
Meeting Date

1400  
Bill Number (if applicable)

Topic SB 1400 VACATION RENTALS

Amendment Barcode (if applicable)

Name Timothy Lonergan

Job Title MAYOR OAKLAND PARK FLORIDA

Address 3800 NE 16TH AVE  
Street

Phone 954-683-2658

City

State

Zip

Email TimL@OAKLANDPARKFL.COM

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/14/14)

# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/8/18  
Meeting Date

SB 1400  
Bill Number (if applicable)

Topic Vacation Rentals

Amendment Barcode (if applicable)

Name Lydia Pisano

Job Title Mayor - City of Belle Isle

Address 1600 Nela Ave

Phone 407-519-0760

Belle Isle, FL 32809  
City State Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing City of Belle Isle

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/8/18

Meeting Date

SB 1400

Bill Number (if applicable)

Topic VACATION RENTAL

Amendment Barcode (if applicable)

Name CAROL COOPER

Job Title COMMISSIONER WINTER PARK

Address PARK AVE Street

Phone 407.222.7766

Winter Park FL City State Zip

Email ccooper@cityofwinterpark.org

Speaking: [ ] For [ ] Against [ ] Information

Waive Speaking: [ ] In Support [x] Against (The Chair will read this information into the record.)

Representing WINTER PARK

Appearing at request of Chair: [ ] Yes [x] No

Lobbyist registered with Legislature: [ ] Yes [x] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/8/18

SB/400

Meeting Date

Bill Number (if applicable)

Topic Vacation Rentals

Amendment Barcode (if applicable)

Name Dan Daley

Job Title City Commissioner

Address 5901 W. Sample Rd

Phone 954-778-3364

Street

Email

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*

Representing City of Coral Springs/Broward League of Cities

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

FEB 8, 2018

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1400

Meeting Date

Bill Number (if applicable)

Topic VACATION RENTALS

Amendment Barcode (if applicable)

Name GREG HANSEN

Job Title CHAIRMAN FLAGLER BOARD of COUNTY COMMISSIONERS

Address 1769 EAST MOODY BLVD Bldg #2

Phone 386-262-3633

Street

BUNNELL FL 32110

City

State

Zip

Email G.HANSEN@FLAGLERCOUNTY.FL.GOV

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing FLAGLER COUNTY

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Feb 8<sup>th</sup> 2018

Meeting Date

1400

Bill Number (if applicable)

Topic Vacation Rentals

Amendment Barcode (if applicable)

Name Rebecca De La Rosa

Job Title Legislative Affairs Director

Address 301 N. Olive Ave 1101

Phone 850.284.7235

Street

West Palm Beach FL 33401

Email rdelarosa@pbcgov.org

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Palm Beach County

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Feb 8<sup>th</sup> 2018

Meeting Date

1400

Bill Number (if applicable)

Topic Vacation Rentals

Amendment Barcode (if applicable)

Name Lauren Jackson

Job Title Lobbyist

Address 205 S. Adams

Phone 931-265-8999

Street

Tallahassee

FL

32301

Email lauren@ericksconsultants.com

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Ericks Consultants / City of Fort Lauderdale

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/8/2018  
Meeting Date

SB1400/SB1640  
Bill Number (if applicable)

Topic SHORT-TERM RENTALS

Amendment Barcode (if applicable)

Name SANDIP SATYA

Job Title HOSPITALITY INDUSTRY

Address 7030 BONNEVAL RD  
Street

Phone 904-864-6300

JACKSONVILLE FL 32216  
City State Zip

Email sjsatya1@gmail.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing HOTELS IN JACKSONVILLE, FL

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

2-8-18

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB1640

Meeting Date

Bill Number (if applicable)

Topic Vacation Rental

Amendment Barcode (if applicable)

Name Bharat <sup>BA-RAT</sup> Patel PATEL

Job Title Florida Director

Address 4800 N. Zanian Way

Phone 941-962-3882

Street

Sarasota FL 34239

Email bharat@AAHOA.com

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing AAHOA - Asian American Hotel Owners Association

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

# APPEARANCE RECORD

2-8-18

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB1400

Meeting Date

Bill Number (if applicable)

Topic Vacation Rental

Amendment Barcode (if applicable)

Name Amy Datz

Job Title Self

Address 1130 Crestview Ave.  
Street

Phone (850) 322-7599

Tallahassee FL. 32303  
City State Zip

Email amaticdatz@mac.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Self

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-8-17  
Meeting Date

1400  
Bill Number (if applicable)

Topic Vacation Rentals

Amendment Barcode (if applicable)

Name Lori Killinger

Job Title Attorney/lobbyist

Address 315 S. Calhoun St.  
Street

Phone 850 222 5702

Tallahassee FL 32301  
City State Zip

Email lkillinger@llw-law.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing FL Vacation Rental Management Assn.

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/8

Meeting Date

1400

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name Casey Cook

Job Title Legislative Advocate

Address PO Box 1757

Phone

Street

Tallahassee

FL

State

32302

Zip

Email

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing FLORIDA LEAGUE OF CITIES

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-8-18

Meeting Date

1400

Bill Number (if applicable)

Topic SB 1400

Amendment Barcode (if applicable)

Name Lisa Robertson

Job Title AirBnB

Address 881 Kell Ave Duval

Phone (850) 737-0226

Street

City

Destin, FL

State

Zip

Email

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing AirBnB Host

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/14/14)

# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/8/18

SB 1400

Meeting Date

Bill Number (if applicable)

Topic VACATION RENTALS

Amendment Barcode (if applicable)

Name DALE Mc DONALD

Job Title REALTOR / Mc DONALD REALTY ADVISORS

Address 108 TANGERO CT.

Phone (407) 647-6513

Street

MAITLAND

FL

32751

Email DALE@MCDONALD.COM

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing MCDONALD REALTY ADVISORS, MAITLAND, FL

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

*Job*

*1400*

Meeting Date

Bill Number (if applicable)

Topic *Vacation Rentals*

Amendment Barcode (if applicable)

Name *Heather Post*

Job Title *Volusia County Councilwoman*

Address *123 W. Indiana Ave Rm 301*

Phone \_\_\_\_\_

Street

*Deland, FL 32720*

Email \_\_\_\_\_

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing *Florida Association of Counties*

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/8/2018

Meeting Date

SB 1400

Bill Number (if applicable)

Topic SHORT TERM RENTALS

Amendment Barcode (if applicable)

Name COMMISSIONER JOHN ELIZABETH ALEMAN

Job Title CITY COMMISSIONER

Address 1700 CONVENTION CENTER

Street

Phone 786 459 7111

MIAMI BCH FL 33139

City

State

Zip

Email jaleman@miamibeach.gov

Speaking: [ ] For [X] Against [ ] Information

Waive Speaking: [ ] In Support [ ] Against (The Chair will read this information into the record.)

Representing

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [ ] Yes [X] No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

FEB 8, 2018

Meeting Date

SB 1400

Bill Number (if applicable)

Topic SHORT TERM RENTALS

Amendment Barcode (if applicable)

Name HERNAN CARDENO

Job Title DIRECTOR OF CODE COMPLIANCE - CITY OF MIAMI BEACH

Address 505-17 STREET

Phone 305.673.7000 EXT. 3015

Street

MIAMI BEACH, FL 33139

Email HERNANCARDENO@MIAMI.BEACH.FL.GOV

City

State

Zip

FL. GOV

Speaking: [ ] For [x] Against [ ] Information

Waive Speaking: [ ] In Support [ ] Against

(The Chair will read this information into the record.)

Representing CITY OF MIAMI BEACH

Appearing at request of Chair: [ ] Yes [x] No

Lobbyist registered with Legislature: [ ] Yes [x] No

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# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/8/2018

Meeting Date

1400

Bill Number (if applicable)

Topic Vacation Rentals

Amendment Barcode (if applicable)

Name Jennifer Green

Job Title President

Address 113 E. College Ave.

Phone (850) 841-1726

Street

Tallahassee FL 32301

City

State

Zip

Email jennifer@libertypartnersfl.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing HomeAway & Expedia

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/8/18

Meeting Date

SB 1400

Bill Number (if applicable)

Topic Short Term (Vacation) Rental

Amendment Barcode (if applicable)

Name Mark Ryan

Job Title City Manager

Address 2058 S. Putvick Dr.

Phone 321 773-3181

Street

Indian Harbour Beach FL

32937

Email mryan@indianharbour.org

City

State

Zip

Speaking: [ ] For [X] Against [ ] Information

Waive Speaking: [ ] In Support [ ] Against (The Chair will read this information into the record.)

Representing City of Indian Harbour Beach

Appearing at request of Chair: [ ] Yes [ ] No

Lobbyist registered with Legislature: [ ] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

02/08/2018

Meeting Date

CS/SB's 1400 & 1640

Bill Number (if applicable)

Topic Vacation Rentals

Amendment Barcode (if applicable)

Name Warren Husband

Job Title

Address PO Box 10909

Phone (850) 205-9000

Street

Tallahassee

FL

32302

Email

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing Florida Restaurant & Lodging Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/8/18  
Meeting Date

1400  
Bill Number (if applicable)

Topic Vacation Rentals SB-1400

Amendment Barcode (if applicable)

Name John Regan, P.E.

Job Title City Manager

Address 75 King St.  
Street

Phone (904) 825-1006

St. Augustine Fl. 32084  
City State Zip

Email jregan@citystaug.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing City of St. Augustine

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/8/18

Meeting Date

SB 14100

Bill Number (if applicable)

Topic Vacation Rentals

Amendment Barcode (if applicable)

Name Peter OBryan

Job Title County Commissioner

Address 1801 27<sup>th</sup> St

Phone 772-226-1440

Street

Vero Beach Fla

32960

Email pobryan@ircgov.com

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Citizens of Indian River County

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/5/14  
Meeting Date

CS 1400  
Bill Number (if applicable)

Topic Vacation Rentals

Amendment Barcode (if applicable)

Name ERIL POOLE

Job Title Asst. Leg. Dir.

Address 100 Monroe  
Street

Phone 9274300

T-11 FL 32311  
City State Zip

Email

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida Assoc. of Counties

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

2-8-18

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1400

Meeting Date

Bill Number (if applicable)

Topic VACATION RENTALS PREREMPTION

Amendment Barcode (if applicable)

Name Jess McCarty

Job Title Assistant County Attorney

Address 111 NW 1st Street, Suite 2810

Phone 305-979-7110

Street

Miami

FL

33128

Email jmm2@miamidade.gov

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Miami-Dade County

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/14/14)

# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-8-18

Meeting Date

1400

Bill Number (if applicable)

Short term

Topic ~~vacation~~ Rentals

Amendment Barcode (if applicable)

Name TRAVIS MOORE

Job Title \_\_\_\_\_

Address P.O. Box 2020

Phone 727.421.6902

Street

St. Petersburg

FL

33731

Email travis@moore-relations.com

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Ocean Hammock Property Owners Association

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/8/14

Meeting Date

SB 1400

Bill Number (if applicable)

Topic SB 1400

Amendment Barcode (if applicable)

Name Mark Anderson

Job Title \_\_\_\_\_

Address 166 S. Monroe St  
Street

Phone 813-205-0658

Tallahassee  
City

FL  
State

32301  
Zip

Email Mark@consultanderson.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing American Hotel & Lodging Association (AHLA)

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/14/14)



THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/8/13

Meeting Date

1400

SB 1640

Bill Number (if applicable)

Topic Vacation Rentals

Amendment Barcode (if applicable)

Name <sup>TROY</sup> TROY AVERA

Job Title Council member Monticello FL

Address P.O. Box 980

Phone 850-321-6975

Street

Monticello FL 32345

Email Avera@monticellofl.com

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing City - self

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

2/8/18

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 1640

Bill Number (if applicable)

Topic VACATION RENTAL

Amendment Barcode (if applicable)

Name RICK BHULA

Job Title OWNER (HOTEL)

Address 2020 APALACHEE PKWY

Phone 850 766 5808

Street

TALLAHASSEE FL 32301

Email RKBHULA@GMAIL.COM

City

State

Zip

Speaking: [X] For [ ] Against [ ] Information

Waive Speaking: [ ] In Support [ ] Against (The Chair will read this information into the record.)

Representing QUALITY INN & SUITES

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [ ] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/08/18

Meeting Date

SB 1400

Bill Number (if applicable)

Topic VACATION RENTALS

Amendment Barcode (if applicable)

Name AL HADEED

Job Title COUNTY ATTORNEY

Address 1769 E. MOODY BLVD #2  
Street

Phone 386-313-4005

BUNNELL FL 32110  
City State Zip

Email ahadeed@flcourts.org

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing FLAGLER COUNTY

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/8/18

Meeting Date

1400

Bill Number (if applicable)

Topic VR's

Amendment Barcode (if applicable)

Name BRIAN HAWKINS

Job Title LOBBYIST

Address 123 S. ADAMS ST  
Street

Phone 671-4401

TALLAHASSEE FL 32301  
City State Zip

Email bhawkins@senate.fl.gov

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing AIRBNB

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

# CourtSmart Tag Report

Room: EL 110  
Caption: Regulated Industries

Case No.:  
Judge:

Type:

Started: 2/8/2018 12:35:02 PM  
Ends: 2/8/2018 1:54:25 PM Length: 01:19:24

12:35:45 PM Meeting called to order. Quorum Present  
12:36:25 PM CS/SB 1252 by Senator Passidomo  
12:36:59 PM Distributing Pharmaceutical Drugs and Devices  
12:37:06 PM No questions  
12:37:11 PM No appearance cards  
12:37:31 PM Roll call on CS/SB 1252-Favorable  
12:37:52 PM CS/SB 746 by Senator Bean-Florida Fire Prevention Code  
12:39:04 PM No questions  
12:39:17 PM Speakers waive in support  
12:39:24 PM No debate  
12:39:46 PM Roll Call on CS/SB 746-Favorable  
12:40:18 PM Recording Paused-Awaiting Sponsor of Next Bill  
12:47:32 PM Recording Resumed  
12:48:11 PM CS/SB 1400 and 1600 by Senator Steube and Senator Simmons-Vacation Rentals  
12:50:35 PM Senator Braynon with a question  
12:50:59 PM Senator Thurston with a question regarding grandfathering in certain areas  
12:51:37 PM Senator Steube responds  
12:51:50 PM Senator Gibson with questions  
12:52:33 PM Senator Steube responds  
12:53:21 PM Senator Gibson with additional questions regarding square footage  
12:53:31 PM Senator Steube responds  
12:55:46 PM Senator Benaquisto with a question of Section 5 and how it is applied  
12:55:58 PM Senator Steube responds  
12:56:39 PM Senator Benaquisto continues with questions  
12:56:53 PM Senator Steube respond  
12:57:48 PM Senator Bracy with a question regarding the number of units  
12:57:57 PM Senator Steube responds  
12:58:28 PM Amendment Barcode 607912 by Senator Hutson  
12:58:59 PM No questions  
12:59:11 PM No debate  
12:59:20 PM Amendment adopted  
12:59:45 PM Barcode 855834 by Senator Steube  
1:00:08 PM No questions, waive in support  
1:00:11 PM Amendment adopted  
1:00:30 PM Amendment Barcode 335189 by Senator Steube  
1:00:37 PM Corrects drafting error  
1:01:31 PM Appearance forms-Carey Cook Florida League of Cities speaking against  
1:04:52 PM Two people waive-one in support and one in opposition  
1:05:17 PM Senator Steube responds to objections to the amendment  
1:05:41 PM Senator Hukill with questions regarding code enforcement  
1:06:08 PM Debate on amendment  
1:06:14 PM Amendment adopted  
1:06:30 PM Barcode 403792 by Senator Gibson  
1:07:18 PM Senator Steube says it is an unfriendly amendment  
1:08:04 PM Senator Gibson responds-amendment withdrawn  
1:08:25 PM Barcode 108410 by Senator Thurston  
1:09:10 PM Senator Braynon with a question  
1:09:18 PM Senator Thurston responds  
1:09:35 PM Senator Hutson with a question  
1:09:47 PM Senator Thurston responds  
1:10:31 PM Appearance Card-Brian Bautista with AirBnB  
1:11:49 PM Senator Braynon with a question to Brian Bautista

1:13:17 PM Senator Thurston with questions  
1:15:06 PM Senator Bracy with questions  
1:15:48 PM Senator Braynon with questions  
1:16:29 PM Senator Gibson with questions  
1:18:52 PM Senator Thurston with questions  
1:20:24 PM Senator Thurston with a question to the Chair  
1:21:00 PM Debate on amendment-Senator Braynon  
1:21:26 PM Senator Gibson in debate  
1:23:49 PM Senator Thurston to close on the amendment-amendment withdrawn  
1:24:43 PM Senator Hutson is listing those in support and those opposed to the bill  
1:26:56 PM Time certain motion by Senator Brandes to vote at 1:58pm  
1:27:48 PM Greg Hansen-Chairman Flagler County Board of County Commissioners  
1:28:26 PM Senator Hukill with questions  
1:28:39 PM Senator Thurston with questions  
1:29:49 PM Greg Hansen discusses safety of homes and inability to continue under this bill  
1:31:23 PM Amy Datz representing herself  
1:32:15 PM Lori Killinger-FL Vacation Rental Mangement Assoc.  
1:33:26 PM Senator Gibson with questions  
1:34:51 PM Casey Cook-Florida League of Cities  
1:37:24 PM Senator Thurston with questions  
1:41:04 PM Senator Hutson reads list of those in support or against  
1:43:15 PM Members in debate  
1:43:22 PM Senator Thurston  
1:45:12 PM Senator Gibson  
1:47:13 PM Senator Hukill  
1:47:57 PM Senator Brandes  
1:48:38 PM Senator Hutson  
1:51:46 PM Senator Steube recognized to close  
1:54:00 PM CS/CS/SB 1400 is reported favorably  
1:54:13 PM Motions by members for Voting After  
1:54:17 PM Meeting Adjourned