

By Senator Mayfield

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1 A bill to be entitled
2 An act relating to vacation rentals; amending s.
3 509.013, F.S.; defining and redefining terms; amending
4 s. 509.241, F.S.; requiring licenses issued by the
5 Division of Hotels and Restaurants of the Department
6 of Business and Professional Regulation to be
7 displayed conspicuously to the public; requiring the
8 operator of a vacation rental or specified public
9 lodging establishment to display its license number in
10 advertisements; amending s. 509.242, F.S.; revising
11 the criteria for a public lodging establishment to be
12 classified as a vacation rental; creating s. 509.243,
13 F.S.; authorizing a hosting platform to facilitate
14 booking transactions under certain circumstances;
15 requiring a hosting platform to designate and maintain
16 on file with the division an agent for service of
17 process in this state; requiring a hosting platform to
18 maintain certain records; requiring a hosting platform
19 to remove a listing under certain circumstances;
20 providing penalties; requiring the division to adopt
21 rules; amending s. 509.261, F.S.; requiring the
22 division to revoke, or refuse to issue or renew, a
23 vacation rental license under certain circumstances;
24 amending ss. 159.27, 212.08, 316.1955, 404.056,
25 477.0135, 509.032, 509.221, 553.5041, 717.1355, and
26 877.24, F.S.; conforming cross-references; reenacting
27 ss. 196.199(1)(a), 212.031(1)(a), and 413.08(1)(c),
28 relating to government property exemption, tax on
29 rental or license fee for use of real property, and

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30 prohibited discrimination in public employment, public
31 accommodations, and housing accommodations,
32 respectively, to incorporate the amendments made to s.
33 509.013, F.S., in references thereto; reenacting s.
34 509.221(9), F.S., relating to sanitary regulations, to
35 incorporate the amendment made to s. 509.242, F.S., in
36 a reference thereto; providing applicability;
37 providing severability; providing an effective date.
38

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

40
41 Section 1. Section 509.013, Florida Statutes, is reordered
42 and amended to read:

43 509.013 Definitions.—As used in this chapter, the term:

44 (1) "Booking transaction" means a transaction in which a
45 hosting platform receives compensation for facilitating a
46 transient guest's rental of a vacation rental or a unit in a
47 transient or nontransient apartment located in this state by
48 directly or indirectly allowing the guest to make a reservation
49 or collecting or processing guest payments through the hosting
50 platform's online application, software, website, or system.

51 (3)~~(1)~~ "Division" means the Division of Hotels and
52 Restaurants of the Department of Business and Professional
53 Regulation.

54 (9)~~(2)~~ "Operator" means the owner, licensee, proprietor,
55 lessee, manager, assistant manager, or appointed agent of a
56 public lodging establishment or public food service
57 establishment.

58 (4)~~(3)~~ "Guest" means any patron, customer, tenant, lodger,

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59 boarder, or occupant of a public lodging establishment or public
60 food service establishment.

61 (5) "Hosting platform" means a person who provides an
62 online application, software, website, or system through which a
63 vacation rental or a unit in a transient or nontransient
64 apartment located in this state is advertised or held out to the
65 public as available to rent for transient occupancy.

66 (11) (a) ~~(4) (a)~~ "Public lodging establishment" includes a
67 transient public lodging establishment as defined in
68 subparagraph 1. and a nontransient public lodging establishment
69 as defined in subparagraph 2.

70 1. "Transient public lodging establishment" means a ~~any~~
71 unit ~~or~~ group of units in a dwelling, building, or group of
72 buildings within a single complex of buildings which is rented
73 to guests more than three times in a calendar year for periods
74 of less than 30 days or 1 calendar month, whichever is less, or
75 which is advertised or held out to the public as a place
76 regularly rented to guests for less than 30 days or 1 calendar
77 month. The term includes a unit that is advertised for rent by a
78 hosting platform.

79 2. "Nontransient public lodging establishment" means a ~~any~~
80 unit ~~or~~ group of units in a dwelling, building, or group of
81 buildings within a single complex of buildings which is rented
82 to guests for periods of at least 30 days or 1 calendar month,
83 whichever is less, or which is advertised or held out to the
84 public as a place regularly rented to guests for periods of at
85 least 30 days or 1 calendar month.

86
87 License classifications of public lodging establishments, and

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88 the definitions therefor, are set out in s. 509.242. For the
89 purpose of licensure, the term does not include condominium
90 common elements as defined in s. 718.103.

91 (b) The following are excluded from the definitions in
92 paragraph (a):

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

96 2. Any facility certified or licensed and regulated by the
97 Agency for Health Care Administration or the Department of
98 Children and Families or other similar place regulated under s.
99 381.0072.

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

103 4. Any unit or group of units in a condominium,
104 cooperative, or timeshare plan and any individually or
105 collectively owned one-family, two-family, three-family, or
106 four-family dwelling house or dwelling unit that is rented for
107 periods of at least 30 days or 1 calendar month, whichever is
108 less, and that is not advertised or held out to the public as a
109 place regularly rented for periods of less than 1 calendar
110 month, provided that no more than four rental units within a
111 single complex of buildings are available for rent.

112 5. Any migrant labor camp or residential migrant housing
113 permitted by the Department of Health under ss. 381.008-
114 381.00895.

115 6. Any establishment inspected by the Department of Health
116 and regulated by chapter 513.

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117 7. Any nonprofit organization that operates a facility
118 providing housing only to patients, patients' families, and
119 patients' caregivers and not to the general public.

120 8. Any apartment building inspected by the United States
121 Department of Housing and Urban Development or other entity
122 acting on the department's behalf that is designated primarily
123 as housing for persons at least 62 years of age. The division
124 may require the operator of the apartment building to attest in
125 writing that such building meets the criteria provided in this
126 subparagraph. The division may adopt rules to implement this
127 requirement.

128 9. Any roominghouse, boardinghouse, or other living or
129 sleeping facility that may not be classified as a hotel, motel,
130 timeshare project, vacation rental, nontransient apartment, bed
131 and breakfast inn, or transient apartment under s. 509.242.

132 (10) (a) (5) (a) "Public food service establishment" means any
133 building, vehicle, place, or structure, or any room or division
134 in a building, vehicle, place, or structure where food is
135 prepared, served, or sold for immediate consumption on or in the
136 vicinity of the premises; called for or taken out by customers;
137 or prepared prior to being delivered to another location for
138 consumption. The term includes a culinary education program, as
139 defined in s. 381.0072(2), which offers, prepares, serves, or
140 sells food to the general public, regardless of whether it is
141 inspected by another state agency for compliance with sanitation
142 standards.

143 (b) The following are excluded from the definition in
144 paragraph (a):

145 1. Any place maintained and operated by a public or private

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146 school, college, or university:

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

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

150 2. Any eating place maintained and operated by a church or
151 a religious, nonprofit fraternal, or nonprofit civic
152 organization:

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

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

156

157 Upon request by the division, a church or a religious, nonprofit
158 fraternal, or nonprofit civic organization claiming an exclusion
159 under this subparagraph must provide the division documentation
160 of its status as a church or a religious, nonprofit fraternal,
161 or nonprofit civic organization.

162 3. Any eating place maintained and operated by an
163 individual or entity at a food contest, cook-off, or a temporary
164 event lasting from 1 to 3 days which is hosted by a church or a
165 religious, nonprofit fraternal, or nonprofit civic organization.
166 Upon request by the division, the event host must provide the
167 division documentation of its status as a church or a religious,
168 nonprofit fraternal, or nonprofit civic organization.

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

171 5. Any eating place maintained by a facility certified or
172 licensed and regulated by the Agency for Health Care
173 Administration or the Department of Children and Families or
174 other similar place that is regulated under s. 381.0072.

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175 6. Any place of business issued a permit or inspected by
176 the Department of Agriculture and Consumer Services under s.
177 500.12.

178 7. Any place of business where the food available for
179 consumption is limited to ice, beverages with or without
180 garnishment, popcorn, or prepackaged items sold without
181 additions or preparation.

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

185 9. Any vending machine that dispenses any food or beverages
186 other than potentially hazardous foods, as defined by division
187 rule.

188 10. Any vending machine that dispenses potentially
189 hazardous food and which is located in a facility regulated
190 under s. 381.0072.

191 11. Any research and development test kitchen limited to
192 the use of employees and which is not open to the general
193 public.

194 (2)~~(6)~~ "Director" means the director of the Division of
195 Hotels and Restaurants of the Department of Business and
196 Professional Regulation.

197 (12)~~(7)~~ "Single complex of buildings" means all buildings
198 or structures that are owned, managed, controlled, or operated
199 under one business name and are situated on the same tract or
200 plot of land that is not separated by a public street or
201 highway.

202 (13)~~(8)~~ "Temporary food service event" means any event of
203 30 days or less in duration where food is prepared, served, or

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204 sold to the general public.

205 (14)~~(9)~~ "Theme park or entertainment complex" means a
206 complex comprised of at least 25 contiguous acres owned and
207 controlled by the same business entity and which contains
208 permanent exhibitions and a variety of recreational activities
209 and has a minimum of 1 million visitors annually.

210 (15)~~(10)~~ "Third-party provider" means, for purposes of s.
211 509.049, any provider of an approved food safety training
212 program that provides training or such a training program to a
213 public food service establishment that is not under common
214 ownership or control with the provider.

215 (17)~~(11)~~ "Transient establishment" means a ~~any~~ public
216 lodging establishment that is rented or leased to guests by an
217 operator whose intention is that such guests' occupancy will be
218 temporary.

219 (18)~~(12)~~ "Transient occupancy" means occupancy when it is
220 the intention of the parties that the occupancy will be
221 temporary. There is a rebuttable presumption that, when the
222 dwelling unit occupied is not the sole residence of the guest,
223 the occupancy is transient.

224 (16)~~(13)~~ "Transient" means a guest in transient occupancy.

225 (7)~~(14)~~ "Nontransient establishment" means a ~~any~~ public
226 lodging establishment that is rented or leased to guests by an
227 operator whose intention is that the dwelling unit occupied will
228 be the sole residence of the guest.

229 (8)~~(15)~~ "Nontransient occupancy" means occupancy when it is
230 the intention of the parties that the occupancy will not be
231 temporary. There is a rebuttable presumption that, when the
232 dwelling unit occupied is the sole residence of the guest, the

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233 occupancy is nontransient.

234 (6)~~(16)~~ "Nontransient" means a guest in nontransient
235 occupancy.

236 (19) "Unit" means a sleeping room or accommodation made
237 available for separate rental by a guest. The term includes all
238 adjacent rooms that the guest is entitled to use as part of the
239 rental.

240 Section 2. Subsection (3) of section 509.241, Florida
241 Statutes, is amended to read:

242 509.241 Licenses required; exceptions.—

243 (3) DISPLAY OF LICENSE.—Any license issued by the division
244 must shall be conspicuously displayed to the public inside in
245 the office or lobby of the licensed establishment. Public food
246 service establishments that which offer catering services must
247 shall display their license number on all advertising for
248 catering services. The operator of a vacation rental or a unit
249 in a transient or nontransient apartment that is offered for
250 transient occupancy shall display its license number in all
251 advertising for such rentals.

252 Section 3. Paragraph (c) of subsection (1) of section
253 509.242, Florida Statutes, is amended to read:

254 509.242 Public lodging establishments; classifications.—

255 (1) A public lodging establishment shall be classified as a
256 hotel, motel, nontransient apartment, transient apartment, bed
257 and breakfast inn, timeshare project, or vacation rental if the
258 establishment satisfies the following criteria:

259 (c) *Vacation rental.*—A vacation rental is a any unit or
260 group of units in a condominium or cooperative or in an any
261 individually or collectively owned single-family, two-family,

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262 three-family, or four-family house or dwelling unit, which ~~that~~
263 is ~~also~~ a transient public lodging establishment but ~~that is~~ not
264 a timeshare project.

265 Section 4. Section 509.243, Florida Statutes, is created to
266 read:

267 509.243 Hosting platforms.—

268 (1) A hosting platform may facilitate a booking transaction
269 for a transient guest's rental of a vacation rental or a unit in
270 a transient or nontransient apartment located in this state if:

271 (a) The hosting platform is registered with the division.
272 The division may issue a registration to each person who meets
273 the requirements of this section and the rules adopted
274 hereunder; and

275 (b) The subject public lodging establishment is licensed by
276 the division as required by s. 509.241, and the transient
277 occupancy of such vacation rental or unit is not prohibited by a
278 local law, ordinance, or regulation that is not otherwise
279 preempted pursuant to s. 509.032(7).

280 (2) A hosting platform shall designate and maintain on file
281 with the division an agent for service of process in this state.
282 If the registered agent is unable, with reasonable diligence, to
283 be located, or if the hosting platform fails to designate or
284 maintain a registered agent, in this state, the director of the
285 division is deemed an agent of the hosting platform for purposes
286 of accepting service of any process, notice, or demand.

287 (3) In accordance with rules adopted by the division, a
288 hosting platform shall develop and maintain a report listing
289 each vacation rental or unit in a transient or nontransient
290 apartment that is located in this state and offered for

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291 transient occupancy on its platform.

292 (a) The report must include all of the following
293 information about the vacation rental or public lodging
294 establishment:

295 1. The name of the operator.

296 2. The license number.

297 3. The physical address.

298 4. Any unit designation.

299 5. The individual periods of rental by calendar date.

300 6. The itemized amounts collected or processed by the
301 hosting platform for the rental, taxes, and all other charges.

302 7. Any additional information that the division may require
303 by rule.

304 (b) The hosting platform shall make the report available
305 for audit by the division upon request, as well as any
306 underlying records requested by the division. The division, as
307 the department's designee pursuant to s. 455.223, may issue and
308 serve subpoenas and compel the production of the report and
309 underlying records as necessary to enforce hosting platform
310 compliance with this section. Such underlying records may not
311 include copies of specific message exchanges between the hosting
312 platform and an operator or guest or between the operator and
313 guest.

314 (c) The hosting platform shall maintain the report and
315 underlying records for at least 3 years, in accordance with
316 rules adopted by the division.

317 (d) Upon request, the division shall share the report and
318 underlying records with the Department of Revenue and with local
319 governments. Notwithstanding any other provision of law or

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320 agency action to the contrary, the Department of Revenue may use
321 the report and underlying records for tax auditing purposes, and
322 local governments may use the reports and underlying records to
323 ensure compliance with laws, ordinances, or regulations that are
324 not otherwise preempted pursuant to s. 509.032(7).

325 (4) A hosting platform may not facilitate a booking
326 transaction for a transient guest's rental of a vacation rental
327 or a unit in a transient or nontransient apartment located in
328 this state unless the operator consents to the hosting
329 platform's disclosure of the information required by paragraph
330 (3).

331 (5) If the division notifies a hosting platform in writing
332 that an advertisement or listing for the transient rental of a
333 vacation rental or a unit in a transient or nontransient
334 apartment located in this state fails to display a valid license
335 number issued by the division, the hosting platform must remove
336 all advertisements or listings for that establishment from its
337 online application, software, website, or system within 3
338 business days unless the listing is otherwise brought into
339 compliance with law.

340 (6) A hosting platform that has operated or is operating in
341 violation of this section or the rules of the division may be
342 subject by the division to fines up to \$1,000 per offense and to
343 suspension, revocation, or refusal of a registration issued
344 pursuant to this section. For purposes of this subsection, the
345 division may regard as a separate offense each day or portion of
346 a day on which a hosting platform is operated in violation of
347 this section or the rules of the division.

348 (7) The division shall adopt rules to administer this

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349 section, including, but not limited to, rules governing fines
350 and the issuance, renewal, suspension, and revocation of a
351 hosting platform's registration.

352 Section 5. Subsection (10) is added to section 509.261,
353 Florida Statutes, to read:

354 509.261 Revocation or suspension of licenses; fines;
355 procedure.—

356 (10) The division shall revoke, or refuse to issue or
357 renew, a vacation rental license when:

358 (a) The division determines that the operation of the
359 subject premises as a vacation rental violates the terms of an
360 applicable lease or property restriction, including any property
361 restriction adopted pursuant to chapter 718, chapter 719, or
362 chapter 720; or

363 (b) The division determines that the operation of the
364 subject premises as a vacation rental violates a local law,
365 ordinance, or regulation not otherwise preempted pursuant to s.
366 509.032(7), or the premises and its owner are the subject of a
367 final order or judgment lawfully directing the termination of
368 the premises' use as a vacation rental.

369 Section 6. Subsection (12) of section 159.27, Florida
370 Statutes, is amended to read:

371 159.27 Definitions.—The following words and terms, unless
372 the context clearly indicates a different meaning, shall have
373 the following meanings:

374 (12) "Public lodging or restaurant facility" means property
375 used for any public lodging establishment as defined in s.
376 509.242 or public food service establishment as defined in s.
377 509.013 ~~s. 509.013(5)~~ if it is part of the complex of, or

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378 necessary to, another facility qualifying under this part.

379 Section 7. Paragraph (jj) of subsection (7) of section
380 212.08, Florida Statutes, is amended to read:

381 212.08 Sales, rental, use, consumption, distribution, and
382 storage tax; specified exemptions.—The sale at retail, the
383 rental, the use, the consumption, the distribution, and the
384 storage to be used or consumed in this state of the following
385 are hereby specifically exempt from the tax imposed by this
386 chapter.

387 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
388 entity by this chapter do not inure to any transaction that is
389 otherwise taxable under this chapter when payment is made by a
390 representative or employee of the entity by any means,
391 including, but not limited to, cash, check, or credit card, even
392 when that representative or employee is subsequently reimbursed
393 by the entity. In addition, exemptions provided to any entity by
394 this subsection do not inure to any transaction that is
395 otherwise taxable under this chapter unless the entity has
396 obtained a sales tax exemption certificate from the department
397 or the entity obtains or provides other documentation as
398 required by the department. Eligible purchases or leases made
399 with such a certificate must be in strict compliance with this
400 subsection and departmental rules, and any person who makes an
401 exempt purchase with a certificate that is not in strict
402 compliance with this subsection and the rules is liable for and
403 shall pay the tax. The department may adopt rules to administer
404 this subsection.

405 (jj) *Complimentary meals*.—Also exempt from the tax imposed
406 by this chapter are food or drinks that are furnished as part of

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407 a packaged room rate by any person offering for rent or lease
408 any transient living accommodations as described in s.
409 509.013(11) (a) ~~s. 509.013(4) (a)~~ which are licensed under part I
410 of chapter 509 and which are subject to the tax under s. 212.03,
411 if a separate charge or specific amount for the food or drinks
412 is not shown. Such food or drinks are considered to be sold at
413 retail as part of the total charge for the transient living
414 accommodations. Moreover, the person offering the accommodations
415 is not considered to be the consumer of items purchased in
416 furnishing such food or drinks and may purchase those items
417 under conditions of a sale for resale.

418 Section 8. Paragraph (b) of subsection (4) of section
419 316.1955, Florida Statutes, is amended to read:

420 316.1955 Enforcement of parking requirements for persons
421 who have disabilities.-

422 (4)

423 (b) Notwithstanding paragraph (a), a theme park or an
424 entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~
425 which provides parking in designated areas for persons who have
426 disabilities may allow any vehicle that is transporting a person
427 who has a disability to remain parked in a space reserved for
428 persons who have disabilities throughout the period the theme
429 park is open to the public for that day.

430 Section 9. Subsection (5) of section 404.056, Florida
431 Statutes, is amended to read:

432 404.056 Environmental radiation standards and projects;
433 certification of persons performing measurement or mitigation
434 services; mandatory testing; notification on real estate
435 documents; rules.-

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436 (5) NOTIFICATION ON REAL ESTATE DOCUMENTS.—Notification
437 shall be provided on at least one document, form, or application
438 executed at the time of, or prior to, contract for sale and
439 purchase of any building or execution of a rental agreement for
440 any building. Such notification shall contain the following
441 language:

442
443 "RADON GAS: Radon is a naturally occurring radioactive gas
444 that, when it has accumulated in a building in sufficient
445 quantities, may present health risks to persons who are exposed
446 to it over time. Levels of radon that exceed federal and state
447 guidelines have been found in buildings in Florida. Additional
448 information regarding radon and radon testing may be obtained
449 from your county health department."

450
451 The requirements of this subsection do not apply to any
452 residential transient occupancy, as described in s. 509.013 ~~s.~~
453 ~~509.013(12)~~, provided that such occupancy is 45 days or less in
454 duration.

455 Section 10. Subsection (6) of section 477.0135, Florida
456 Statutes, is amended to read:

457 477.0135 Exemptions.—

458 (6) A license is not required of any individual providing
459 makeup or special effects services in a theme park or
460 entertainment complex to an actor, stunt person, musician,
461 extra, or other talent, or providing makeup or special effects
462 services to the general public. The term "theme park or
463 entertainment complex" has the same meaning as in s. 509.013 ~~s.~~
464 ~~509.013(9)~~.

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465 Section 11. Paragraph (c) of subsection (3) of section
466 509.032, Florida Statutes, is amended to read:

467 509.032 Duties.—

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

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

473 1. Sponsors of temporary food service events shall notify
474 the division not less than 3 days before the scheduled event of
475 the type of food service proposed, the time and location of the
476 event, a complete list of food service vendors participating in
477 the event, the number of individual food service facilities each
478 vendor will operate at the event, and the identification number
479 of each food service vendor's current license as a public food
480 service establishment or temporary food service event licensee.
481 Notification may be completed orally, by telephone, in person,
482 or in writing. A public food service establishment or food
483 service vendor may not use this notification process to
484 circumvent the license requirements of this chapter.

485 2. The division shall keep a record of all notifications
486 received for proposed temporary food service events and shall
487 provide appropriate educational materials to the event sponsors
488 and notify the event sponsors of the availability of the food-
489 recovery brochure developed under s. 595.420.

490 3.a. Unless excluded under s. 509.013(10) (b) ~~s.~~
491 ~~509.013(5) (b)~~, a public food service establishment or other food
492 service vendor must obtain one of the following classes of
493 license from the division: an individual license, for a fee of

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494 no more than \$105, for each temporary food service event in
495 which it participates; or an annual license, for a fee of no
496 more than \$1,000, that entitles the licensee to participate in
497 an unlimited number of food service events during the license
498 period. The division shall establish license fees, by rule, and
499 may limit the number of food service facilities a licensee may
500 operate at a particular temporary food service event under a
501 single license.

502 b. Public food service establishments holding current
503 licenses from the division may operate under the regulations of
504 such a license at temporary food service events.

505 Section 12. Paragraph (b) of subsection (2) of section
506 509.221, Florida Statutes, is amended to read:

507 509.221 Sanitary regulations.—

508 (2)

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

513 Section 13. Paragraph (b) of subsection (5) of section
514 553.5041, Florida Statutes, is amended to read:

515 553.5041 Parking spaces for persons who have disabilities.—

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

519 (b) If there are multiple entrances or multiple retail
520 stores, the parking spaces must be dispersed to provide parking
521 at the nearest accessible entrance. If a theme park or an
522 entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~

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523 provides parking in several lots or areas from which access to
524 the theme park or entertainment complex is provided, a single
525 lot or area may be designated for parking by persons who have
526 disabilities, if the lot or area is located on the shortest
527 accessible route to an accessible entrance to the theme park or
528 entertainment complex or to transportation to such an accessible
529 entrance.

530 Section 14. Section 717.1355, Florida Statutes, is amended
531 to read:

532 717.1355 Theme park and entertainment complex tickets.—This
533 chapter does not apply to any tickets for admission to a theme
534 park or entertainment complex as defined in s. 509.013 ~~s.~~
535 ~~509.013(9)~~, or to any tickets to a permanent exhibition or
536 recreational activity within such theme park or entertainment
537 complex.

538 Section 15. Subsection (8) of section 877.24, Florida
539 Statutes, is amended to read:

540 877.24 Nonapplication of s. 877.22.—Section 877.22 does not
541 apply to a minor who is:

542 (8) Attending an organized event held at and sponsored by a
543 theme park or entertainment complex as defined in s. 509.013 ~~s.~~
544 ~~509.013(9)~~.

545 Section 16. For the purpose of incorporating the amendment
546 made by this act to section 509.013, Florida Statutes, in a
547 reference thereto, paragraph (a) of subsection (1) of section
548 196.199, Florida Statutes, is reenacted to read:

549 196.199 Government property exemption.—

550 (1) Property owned and used by the following governmental
551 units shall be exempt from taxation under the following

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552 conditions:

553 (a)1. All property of the United States is exempt from ad
554 valorem taxation, except such property as is subject to tax by
555 this state or any political subdivision thereof or any
556 municipality under any law of the United States.

557 2. Notwithstanding any other provision of law, for purposes
558 of the exemption from ad valorem taxation provided in
559 subparagraph 1., property of the United States includes any
560 leasehold interest of and improvements affixed to land owned by
561 the United States, any branch of the United States Armed Forces,
562 or any agency or quasi-governmental agency of the United States
563 if the leasehold interest and improvements are acquired or
564 constructed and used pursuant to the federal Military Housing
565 Privatization Initiative of 1996, 10 U.S.C. ss. 2871 et seq. As
566 used in this subparagraph, the term "improvements" includes
567 actual housing units and any facilities that are directly
568 related to such housing units, including any housing maintenance
569 facilities, housing rental and management offices, parks and
570 community centers, and recreational facilities. Any leasehold
571 interest and improvements described in this subparagraph,
572 regardless of whether title is held by the United States, shall
573 be construed as being owned by the United States, the applicable
574 branch of the United States Armed Forces, or the applicable
575 agency or quasi-governmental agency of the United States and are
576 exempt from ad valorem taxation without the necessity of an
577 application for exemption being filed or approved by the
578 property appraiser. This subparagraph does not apply to a
579 transient public lodging establishment as defined in s. 509.013
580 and does not affect any existing agreement to provide municipal

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581 services by a municipality or county.

582 Section 17. For the purpose of incorporating the amendment
583 made by this act to section 509.013, Florida Statutes, in a
584 reference thereto, paragraph (a) of subsection (1) of section
585 212.031, Florida Statutes, is reenacted to read:

586 212.031 Tax on rental or license fee for use of real
587 property.—

588 (1) (a) It is declared to be the legislative intent that
589 every person is exercising a taxable privilege who engages in
590 the business of renting, leasing, letting, or granting a license
591 for the use of any real property unless such property is:

592 1. Assessed as agricultural property under s. 193.461.

593 2. Used exclusively as dwelling units.

594 3. Property subject to tax on parking, docking, or storage
595 spaces under s. 212.03(6).

596 4. Recreational property or the common elements of a
597 condominium when subject to a lease between the developer or
598 owner thereof and the condominium association in its own right
599 or as agent for the owners of individual condominium units or
600 the owners of individual condominium units. However, only the
601 lease payments on such property shall be exempt from the tax
602 imposed by this chapter, and any other use made by the owner or
603 the condominium association shall be fully taxable under this
604 chapter.

605 5. A public or private street or right-of-way and poles,
606 conduits, fixtures, and similar improvements located on such
607 streets or rights-of-way, occupied or used by a utility or
608 provider of communications services, as defined by s. 202.11,
609 for utility or communications or television purposes. For

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610 purposes of this subparagraph, the term "utility" means any
611 person providing utility services as defined in s. 203.012. This
612 exception also applies to property, wherever located, on which
613 the following are placed: towers, antennas, cables, accessory
614 structures, or equipment, not including switching equipment,
615 used in the provision of mobile communications services as
616 defined in s. 202.11. For purposes of this chapter, towers used
617 in the provision of mobile communications services, as defined
618 in s. 202.11, are considered to be fixtures.

619 6. A public street or road which is used for transportation
620 purposes.

621 7. Property used at an airport exclusively for the purpose
622 of aircraft landing or aircraft taxiing or property used by an
623 airline for the purpose of loading or unloading passengers or
624 property onto or from aircraft or for fueling aircraft.

625 8.a. Property used at a port authority, as defined in s.
626 315.02(2), exclusively for the purpose of oceangoing vessels or
627 tugs docking, or such vessels mooring on property used by a port
628 authority for the purpose of loading or unloading passengers or
629 cargo onto or from such a vessel, or property used at a port
630 authority for fueling such vessels, or to the extent that the
631 amount paid for the use of any property at the port is based on
632 the charge for the amount of tonnage actually imported or
633 exported through the port by a tenant.

634 b. The amount charged for the use of any property at the
635 port in excess of the amount charged for tonnage actually
636 imported or exported shall remain subject to tax except as
637 provided in sub-subparagraph a.

638 9. Property used as an integral part of the performance of

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639 qualified production services. As used in this subparagraph, the
640 term "qualified production services" means any activity or
641 service performed directly in connection with the production of
642 a qualified motion picture, as defined in s. 212.06(1)(b), and
643 includes:

644 a. Photography, sound and recording, casting, location
645 managing and scouting, shooting, creation of special and optical
646 effects, animation, adaptation (language, media, electronic, or
647 otherwise), technological modifications, computer graphics, set
648 and stage support (such as electricians, lighting designers and
649 operators, greensmen, prop managers and assistants, and grips),
650 wardrobe (design, preparation, and management), hair and makeup
651 (design, production, and application), performing (such as
652 acting, dancing, and playing), designing and executing stunts,
653 coaching, consulting, writing, scoring, composing,
654 choreographing, script supervising, directing, producing,
655 transmitting dailies, dubbing, mixing, editing, cutting,
656 looping, printing, processing, duplicating, storing, and
657 distributing;

658 b. The design, planning, engineering, construction,
659 alteration, repair, and maintenance of real or personal property
660 including stages, sets, props, models, paintings, and facilities
661 principally required for the performance of those services
662 listed in sub-subparagraph a.; and

663 c. Property management services directly related to
664 property used in connection with the services described in sub-
665 subparagraphs a. and b.

666
667 This exemption will inure to the taxpayer upon presentation of

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668 the certificate of exemption issued to the taxpayer under the
669 provisions of s. 288.1258.

670 10. Leased, subleased, licensed, or rented to a person
671 providing food and drink concessionaire services within the
672 premises of a convention hall, exhibition hall, auditorium,
673 stadium, theater, arena, civic center, performing arts center,
674 publicly owned recreational facility, or any business operated
675 under a permit issued pursuant to chapter 550. A person
676 providing retail concessionaire services involving the sale of
677 food and drink or other tangible personal property within the
678 premises of an airport shall be subject to tax on the rental of
679 real property used for that purpose, but shall not be subject to
680 the tax on any license to use the property. For purposes of this
681 subparagraph, the term "sale" shall not include the leasing of
682 tangible personal property.

683 11. Property occupied pursuant to an instrument calling for
684 payments which the department has declared, in a Technical
685 Assistance Advisement issued on or before March 15, 1993, to be
686 nontaxable pursuant to rule 12A-1.070(19)(c), Florida
687 Administrative Code; provided that this subparagraph shall only
688 apply to property occupied by the same person before and after
689 the execution of the subject instrument and only to those
690 payments made pursuant to such instrument, exclusive of renewals
691 and extensions thereof occurring after March 15, 1993.

692 12. Property used or occupied predominantly for space
693 flight business purposes. As used in this subparagraph, "space
694 flight business" means the manufacturing, processing, or
695 assembly of a space facility, space propulsion system, space
696 vehicle, satellite, or station of any kind possessing the

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697 capacity for space flight, as defined by s. 212.02(23), or
698 components thereof, and also means the following activities
699 supporting space flight: vehicle launch activities, flight
700 operations, ground control or ground support, and all
701 administrative activities directly related thereto. Property
702 shall be deemed to be used or occupied predominantly for space
703 flight business purposes if more than 50 percent of the
704 property, or improvements thereon, is used for one or more space
705 flight business purposes. Possession by a landlord, lessor, or
706 licensor of a signed written statement from the tenant, lessee,
707 or licensee claiming the exemption shall relieve the landlord,
708 lessor, or licensor from the responsibility of collecting the
709 tax, and the department shall look solely to the tenant, lessee,
710 or licensee for recovery of such tax if it determines that the
711 exemption was not applicable.

712 13. Rented, leased, subleased, or licensed to a person
713 providing telecommunications, data systems management, or
714 Internet services at a publicly or privately owned convention
715 hall, civic center, or meeting space at a public lodging
716 establishment as defined in s. 509.013. This subparagraph
717 applies only to that portion of the rental, lease, or license
718 payment that is based upon a percentage of sales, revenue
719 sharing, or royalty payments and not based upon a fixed price.
720 This subparagraph is intended to be clarifying and remedial in
721 nature and shall apply retroactively. This subparagraph does not
722 provide a basis for an assessment of any tax not paid, or create
723 a right to a refund of any tax paid, pursuant to this section
724 before July 1, 2010.

725 Section 18. For the purpose of incorporating the amendment

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726 made by this act to section 509.013, Florida Statutes, in a
727 reference thereto, paragraph (c) of subsection (1) of section
728 413.08, Florida Statutes, is reenacted to read:

729 413.08 Rights and responsibilities of an individual with a
730 disability; use of a service animal; prohibited discrimination
731 in public employment, public accommodations, and housing
732 accommodations; penalties.—

733 (1) As used in this section and s. 413.081, the term:

734 (c) "Public accommodation" means a common carrier,
735 airplane, motor vehicle, railroad train, motor bus, streetcar,
736 boat, or other public conveyance or mode of transportation;
737 hotel; a timeshare that is a transient public lodging
738 establishment as defined in s. 509.013; lodging place; place of
739 public accommodation, amusement, or resort; and other places to
740 which the general public is invited, subject only to the
741 conditions and limitations established by law and applicable
742 alike to all persons. The term does not include air carriers
743 covered by the Air Carrier Access Act of 1986, 49 U.S.C. s.
744 41705, and by regulations adopted by the United States
745 Department of Transportation to implement such act.

746 Section 19. For the purpose of incorporating the amendment
747 made by this act to section 509.242, Florida Statutes, in a
748 reference thereto, subsection (9) of section 509.221, Florida
749 Statutes, is reenacted to read:

750 509.221 Sanitary regulations.—

751 (9) Subsections (2), (5), and (6) do not apply to any
752 facility or unit classified as a vacation rental, nontransient
753 apartment, or timeshare project as described in s.
754 509.242(1)(c), (d), and (g).

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755 Section 20. The Legislature does not intend for the
756 application of this act to supersede any current or future
757 declaration or declaration of condominium adopted pursuant to
758 chapter 718, Florida Statutes, cooperative documents adopted
759 pursuant to chapter 719, Florida Statutes, or declaration of
760 covenants or declaration adopted pursuant to chapter 720,
761 Florida Statutes.

762 Section 21. If any provision of this act or its application
763 to any person or circumstance is held invalid, the invalidity
764 does not affect other provisions or applications of the act
765 which can be given effect without the invalid provision or
766 application, and to this end the provisions of this act are
767 severable.

768 Section 22. This act shall take effect January 1, 2020.