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LEGISLATIVE ACTION

Senate

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House

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Floor: WD

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02/01/2024 08:31 AM

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Senator DiCeglie moved the following:

**Senate Amendment (with title amendment)**

Delete lines 465 - 736

and insert:

a fine for failure to register under the local program. A local government must prepare a business impact estimate in accordance with s. 125.66(3) or s. 166.041(4), as applicable, before implementing a vacation rental registration program.

(a) A local government may charge a reasonable fee per unit for processing a registration application. A local law,



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11 ordinance, or regulation may require annual renewal of a  
12 registration and may charge a reasonable renewal fee per unit  
13 for processing of a registration renewal. However, if there is a  
14 change of ownership, the new owner may be required to submit a  
15 new application for registration. Subsequent to the registration  
16 of a vacation rental, a local government may charge a reasonable  
17 fee to inspect a vacation rental after registration for  
18 compliance with the Florida Building Code and the Florida Fire  
19 Prevention Code, described in ss. 553.80 and 633.206,  
20 respectively.

21 (b) As a condition of registration or renewal of a vacation  
22 rental, a local law, ordinance, or regulation establishing a  
23 local vacation rental registration program may only require the  
24 operator of a vacation rental to do the following:

25 1. Submit identifying information about the owner and the  
26 operator, if applicable, and the subject vacation rental  
27 premises.

28 2. Provide proof of a license with the unique identifier  
29 issued by the division to operate as a vacation rental.

30 3. Obtain all required tax registrations, receipts, or  
31 certificates issued by the Department of Revenue, a county, or a  
32 municipality.

33 4. Update required information as necessary to ensure it is  
34 current.

35 5. Designate and maintain at all times a responsible party  
36 who is capable of responding to complaints or emergencies  
37 related to the vacation rental, including being available by  
38 telephone at a provided contact telephone number 24 hours a day,  
39 7 days a week, and receiving legal notice of violations on



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40 behalf of the vacation rental operator.

41 6. State and comply with the maximum overnight occupancy of  
42 the vacation rental which do not exceed either two persons per  
43 bedroom, plus an additional two persons in one common area; or  
44 more than two persons per bedroom if there is at least 50 square  
45 feet per person, plus an additional two persons in one common  
46 area, whichever is greater.

47 7. Pay in full all recorded municipal or county code liens  
48 against the subject vacation rental premises.

49 (c) Within 15 business days after receiving an application  
50 for registration of a vacation rental, a local government shall  
51 review the application for completeness and accept the  
52 registration of the vacation rental or issue a written notice of  
53 denial.

54 1. The vacation rental operator and the local government  
55 may agree to a reasonable request to extend the timeframes  
56 provided in this paragraph, particularly in the event of a force  
57 majeure or other extraordinary circumstance.

58 2. If a local government fails to accept or deny the  
59 registration within the timeframes provided in this paragraph,  
60 the application is deemed accepted.

61 (d) If a local government denies a registration of a  
62 vacation rental, the local government must give written notice  
63 to the applicant. Such notice may be provided by United States  
64 mail or electronically. The notice must specify with  
65 particularity the factual reasons for the denial and include a  
66 citation to the applicable portions of the ordinance, rule,  
67 statute, or other legal authority for the denial of the  
68 registration. A local government may not prohibit an applicant



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69 from reapplying if the applicant cures the identified  
70 deficiencies.

71 (e)1. Upon acceptance of a vacation rental registration, a  
72 local government shall assign a unique registration number to  
73 the vacation rental unit and provide the registration number or  
74 other indicia of registration to the vacation rental operator in  
75 writing or electronically.

76 2. A local government must provide the vacation rental  
77 registration number to the division within 5 days after receipt  
78 of the registration number.

79 (f)1. A local government may fine a vacation rental  
80 operator up to \$500 if he or she:

81 a. Fails to continue to meet the registration requirements  
82 in paragraph (b);

83 b. Is operating a vacation rental without registering it  
84 with the local government as a vacation rental; or

85 c. Fails to provide the division with the unique  
86 registration number as required in paragraph (e).

87 2. Before issuing a fine, the local government shall issue  
88 written notice of such violation and provide a vacation rental  
89 operator 15 days to cure the violation. If the vacation rental  
90 operator has not cured the violation within the 15 days, the  
91 local government may issue a fine.

92 (g) A certified copy of an order imposing a fine may be  
93 recorded in the public records and thereafter constitutes a lien  
94 against the real property on which the violation exists and upon  
95 any other real or personal property owned by the violator. Upon  
96 petition to the circuit court, such order is enforceable in the  
97 same manner as a court judgment by the sheriffs of this state,



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98 including execution and levy against the personal property of  
99 the violator, but such order may not be deemed to be a court  
100 judgment except for enforcement purposes. A fine imposed  
101 pursuant to this subsection will continue to accrue until the  
102 violator comes into compliance or until judgment is rendered in  
103 a suit filed pursuant to this section, whichever occurs first. A  
104 lien arising from a fine imposed pursuant to this subsection  
105 runs in favor of the local government, and the local government  
106 shall execute a satisfaction or release of lien upon full  
107 payment. If such lien remains unpaid 3 months or more after the  
108 filing of the lien, the local government may foreclose on the  
109 lien against the real property on which the violation exists or  
110 sue to recover a money judgment for the amount of the lien, plus  
111 accrued interest. A lien created pursuant to this part may not  
112 be foreclosed on real property that is a homestead under s. 4,  
113 Art. X of the State Constitution. The money judgment provisions  
114 of this section do not apply to real property or personal  
115 property that is covered under s. 4(a), Art. X of the State  
116 Constitution.

117 (h)1. If a code violation related to the vacation rental is  
118 found by the code enforcement board or special magistrate to be  
119 a material violation of a local law, ordinance, or regulation  
120 that does not solely apply to vacation rentals, and the  
121 violation is directly related to the vacation rental premises,  
122 the local government must issue a written notice of such  
123 violation.

124 2. If a code violation related to the vacation rental is  
125 found to be a material violation of a local law, ordinance, or  
126 regulation as described in subparagraph 1., the code enforcement



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127 board or special magistrate must make a recommendation to the  
128 local government as to whether a vacation rental registration  
129 should be suspended.

130 3. The code enforcement board or special magistrate must  
131 recommend the suspension of the vacation rental registration if  
132 there are:

133 a. One or more violations on 5 separate days during a 60-  
134 day period;

135 b. One or more violations on 5 separate days during a 30-  
136 day period; or

137 c. One or more violations after two prior suspensions of  
138 the vacation rental registration.

139 4. If the code enforcement board or special magistrate  
140 recommends suspension of a vacation rental registration, a local  
141 government may suspend such registration for a period of:

142 a. Up to 30 days for one or more violations on 5 separate  
143 days during a 60-day period;

144 b. Up to 60 days for one or more violations on 5 separate  
145 days during a 30-day period; or

146 c. Up to 90 days for one or more violations after two prior  
147 suspensions of a vacation rental registration.

148 5. A local government may not suspend a vacation rental  
149 registration for violations of a local law, ordinance, or  
150 regulation which are not directly related to the vacation rental  
151 premises.

152 6. A local government shall provide notice of the  
153 suspension of a vacation rental registration to the vacation  
154 rental operator and the division within 5 days after the  
155 suspension. The notice must include the start date of the



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156 suspension, which must be at least 21 days after the suspension  
157 notice is sent to the vacation rental operator and the division.  
158 Effective January 1, 2026, a local government shall use the  
159 vacation rental information system described in s. 509.244 to  
160 provide notice of the suspension of a vacation rental  
161 registration to the division.

162 (i)1. A local government may revoke or refuse to renew a  
163 vacation rental registration if:

164 a. A vacation rental registration has been suspended three  
165 times pursuant to paragraph (h);

166 b. There is an unsatisfied, recorded municipal lien or  
167 county lien on the real property of the vacation rental.

168 However, the local government shall allow the vacation rental  
169 operator at least 60 days before the revocation of a  
170 registration to satisfy the recorded municipal lien or county  
171 lien; or

172 c. The vacation rental premises and its owner are the  
173 subject of a final order or judgment by a court of competent  
174 jurisdiction lawfully directing the termination of the premises'  
175 use as a vacation rental.

176 2. A local government shall provide notice within 5 days  
177 after the revocation of, or refusal to renew, a vacation rental  
178 registration to the vacation rental operator and the division.

179 The notice must include the date of revocation or nonrenewal,  
180 which must be at least 21 days after the date such notice is  
181 sent to the vacation rental operator and the division. Effective  
182 January 1, 2026, a local government shall use the vacation  
183 rental information system described in s. 509.244 to provide  
184 notice of the revocation of or refusal to renew a vacation



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185 rental registration to the division.

186 (j) A vacation rental operator may appeal a denial,  
187 suspension, or revocation of a vacation rental registration, or  
188 a refusal to renew such registration, to the circuit court. An  
189 appeal must be filed within 30 days after the issuance of the  
190 denial, suspension, or revocation of, or refusal to renew, the  
191 vacation rental registration. The court may assess and award  
192 reasonable attorney fees and costs and damages to the prevailing  
193 party.

194

195 This subsection does not prohibit a local government from  
196 establishing a local law, ordinance, or regulation if it is  
197 uniformly applied without regard to whether the residential  
198 property is used as a vacation rental.

199 Section 4. Effective January 1, 2025, present paragraph (c)  
200 of subsection (4) of section 509.241, Florida Statutes, is  
201 redesignated as paragraph (d), a new paragraph (c) is added to  
202 that subsection, subsection (5) is added to that section, and  
203 subsections (2) and (3) of that section are amended, to read:

204 509.241 Licenses required; exceptions; division online  
205 accounts and transactions.—

206 (2) APPLICATION FOR LICENSE.—Each person who plans to open  
207 a public lodging establishment or a public food service  
208 establishment shall apply for and receive a license from the  
209 division before ~~prior~~ to the commencement of operation. A  
210 condominium association, as defined in s. 718.103, which does  
211 not own any units classified as vacation rentals or timeshare  
212 projects under s. 509.242(1)(c) or (g) is not required to apply  
213 for or receive a public lodging establishment license. Upon



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214 receiving an application for a vacation rental license, the  
215 division may grant a temporary license that authorizes the  
216 vacation rental to begin operation while the application is  
217 pending. The temporary license automatically expires upon final  
218 agency action regarding the license application.

219 (3) DISPLAY OF LICENSE.—A ~~Any~~ license issued by the  
220 division ~~must shall~~ be conspicuously displayed to the public  
221 inside ~~in~~ the office or lobby of the licensed establishment.  
222 Public food service establishments ~~that~~ ~~which~~ offer catering  
223 services ~~must shall~~ display their license number on all  
224 advertising for catering services. The vacation rental's local  
225 registration number must, if applicable, be conspicuously  
226 displayed inside the vacation rental.

227 (4) ONLINE ACCOUNT AND TRANSACTIONS.—Each person who plans  
228 to open a public lodging establishment or a public food service  
229 establishment and each licensee or licensed agent must create  
230 and maintain a division online account and provide an e-mail  
231 address to the division to function as the primary contact for  
232 all communication from the division.

233 (c) Each vacation rental operator managing a license  
234 classified as a vacation rental as defined in s. 509.242(1)(c)  
235 must submit to the division, through the division's online  
236 system, any applicable local vacation rental registration number  
237 within 5 days after registration.

238 (5) UNIQUE IDENTIFIER.—The division shall assign a unique  
239 identifier on each vacation rental license which identifies each  
240 individual vacation rental dwelling or unit.

241 Section 5. Effective January 1, 2025, section 509.243,  
242 Florida Statutes, is created to read:



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243 509.243 Advertising platforms.—

244 (1) An advertising platform shall require that a person who  
245 places an advertisement or a listing of a vacation rental which  
246 offers it for rent do all of the following:

247 (a) Include in the advertisement or listing the vacation  
248 rental license number with the associated unique identifier and,  
249 if applicable, the local registration number.

250 (b) Attest to the best of the person's knowledge that the  
251 vacation rental's license with the associated unique identifier  
252 and, if applicable, its local registration are current and valid  
253 and that all related information is accurately stated in the  
254 advertisement.

255 (2) An advertising platform shall display the vacation  
256 rental license number with the associated unique identifier,  
257 and, if applicable, the local registration number.

258 (3) Effective January 1, 2026, an advertising platform:

259 (a) Shall use the vacation rental information system  
260 described in s. 509.244 to verify that the vacation rental  
261 license number with the associated unique identifier, and, if  
262 applicable, the local registration number, are current, valid,  
263 and apply to the subject vacation rental before publishing an  
264 advertisement or a listing on its platform.

265 (b) May not advertise or list on its platform a vacation  
266 rental that fails to provide a valid vacation rental license  
267 number with the associated unique identifier, and, if  
268 applicable, the local registration number as indicated on the  
269 vacation rental information system described in s. 509.244.

270 (c) Shall remove from public view an advertisement or a  
271 listing from its online application, software, website, or



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272 system within 15 business days after notification that a  
273 vacation rental license, or if applicable, a local registration:

- 274 1. Has been suspended, revoked, or not renewed; or  
275 2. Fails to display a valid vacation rental license number  
276 with the associated unique identifier or, if applicable, a local  
277 registration number.

278 (d) Shall notify the division within 15 days after any  
279 advertisement or listing on its online application, software,  
280 website, or system fails to display a valid vacation rental  
281 license number with associated unique identifier or, if  
282 applicable, a local registration number.

283 (e) Shall provide to the division on a quarterly basis, in  
284 a manner compatible with the vacation rental information system  
285 described in s. 509.244, a list of all vacation rentals located  
286 in this state which are advertised on its platform. The list  
287 must include the following information:

288 1. The uniform resource locator for the Internet address of  
289 the vacation rental advertisement;

290 2. The physical address of the vacation rental, including  
291 any unit designation;

292 3. The vacation rental license number with the associated  
293 unique identifier, and, if applicable, the local registration  
294 number;

295 4. The applicable Florida tax registration number or local  
296 tourist development tax account number under which taxes related  
297 to the rental will be remitted as provided in s. 212.03(2);

298 5. The name of the vacation rental owner or operator;

299 6. Listed by the calendar date, the individual periods that  
300 the vacation rental is rented; and



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301       7. The itemized amounts collected or processed by the  
302 advertising platform for the rental, taxes, and all other  
303 charges.

304  
305 Upon request, the division shall share any report and underlying  
306 records provided by an advertising platform pursuant to this  
307 paragraph with the Department of Revenue, local taxing  
308 authorities, and local governments. These records may be used  
309 for auditing and enforcement purposes.

310  
311 ===== T I T L E   A M E N D M E N T =====

312 And the title is amended as follows:

313       Delete lines 19 - 124

314 and insert:

315       for failure to register; requiring a local government  
316       to prepare a business impact estimate under certain  
317       circumstances; authorizing local governments to charge  
318       a reasonable fee for processing registration  
319       applications; authorizing local laws, ordinances, or  
320       regulations to require annual renewal of a  
321       registration and to charge a reasonable fee for such  
322       renewal; providing that a change in ownership may  
323       require a new application for registration;  
324       authorizing local governments to charge a reasonable  
325       fee to inspect a vacation rental for a specified  
326       purpose; specifying requirements and procedures for,  
327       and limitations on, local vacation rental registration  
328       programs; authorizing local governments to fine  
329       vacation rental operators under certain circumstances;



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330 specifying procedures related to the imposition of  
331 fines; providing applicability relating to certain  
332 money judgment provisions; requiring local governments  
333 to issue a written notice of violation under certain  
334 circumstances; requiring the code enforcement board or  
335 special magistrate to make certain recommendations  
336 under specified circumstances; authorizing local  
337 governments to suspend a vacation rental registration  
338 for specified periods of time; prohibiting local  
339 governments from suspending a vacation rental  
340 registration for violations that are not directly  
341 related to the vacation rental premises; requiring  
342 local governments to provide notice of registration  
343 suspension, within a specified timeframe, to vacation  
344 rental operators and the Division of Hotels and  
345 Restaurants of the Department of Business and  
346 Professional Regulation; providing requirements for  
347 such notice; requiring, by a certain date, local  
348 governments to use the vacation rental information  
349 system to provide such notice to the division;  
350 providing that local governments may revoke or refuse  
351 to renew a vacation rental registration under certain  
352 circumstances; requiring local governments to provide  
353 notice of revocation of or refusal to renew a vacation  
354 rental registration to vacation rental operators and  
355 the division within a specified timeframe; requiring,  
356 by a certain date, local governments to use the  
357 vacation rental information system to provide such  
358 notice to the division; providing that vacation rental



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359 operators may appeal a denial, suspension, or  
360 revocation of, or a refusal to renew, the registration  
361 of a vacation rental; providing procedures for such  
362 appeal; providing construction; amending s. 509.241,  
363 F.S.; authorizing the division to issue temporary  
364 licenses upon receipt of vacation rental license  
365 applications while such applications are pending;  
366 providing for expiration of such licenses; requiring  
367 that any license issued by the division be  
368 conspicuously displayed to the public inside the  
369 licensed establishment; requiring that a vacation  
370 rental's registration number, if applicable, be  
371 conspicuously displayed inside the vacation rental;  
372 requiring vacation rental operators managing a license  
373 classified as a vacation rental to submit local  
374 vacation rental registration numbers, if applicable,  
375 within a specified timeframe to the division through  
376 the division's online system; requiring the division  
377 to assign a unique identifier on each vacation rental  
378 license which identifies each individual vacation  
379 rental dwelling or unit; creating s. 509.243, F.S.;  
380 requiring advertising platforms to require that  
381 persons placing advertisements or listings for  
382 vacation rentals include certain information in the  
383 advertisements or listings and attest to certain  
384 information; requiring advertising platforms to  
385 display certain information; requiring, as of a  
386 specified date, advertising platforms to verify  
387 certain information before publishing an advertisement



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388 or listing on their platforms, prohibit and remove  
389 from public view an advertisement or a listing under  
390 certain circumstances, and make certain notifications  
391 and provide certain information to the division;  
392 requiring the division, upon request, to share certain  
393 reports and records with the Department of Revenue,  
394 local tax authorities, and local governments;  
395 providing that such records may be used for auditing  
396 and enforcement purposes; requiring advertising  
397 platforms to collect and remit specified taxes for  
398 certain transactions; authorizing the division to  
399 issue and deliver a notice to cease and desist for  
400 certain violations; providing that such notice does  
401 not constitute agency action for which certain  
402 hearings may be sought; authorizing the division to  
403 issue cease and desist notices in certain  
404 circumstances; providing that issuance of such notice  
405 does not constitute an agency action; authorizing the  
406 division to file certain proceedings for the purpose  
407 of enforcing a cease and desist notice; authorizing  
408 the division to collect attorney fees and costs under  
409 certain circumstances; authorizing the division to  
410 impose a fine on advertising platforms for certain  
411 violations; requiring the division to issue written  
412 notice of violations to advertising platforms before  
413 commencing certain legal proceedings; requiring  
414 advertising platforms to adopt an antidiscrimination  
415 policy and to inform their users of the policy's  
416 provisions; providing construction; creating s.



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417 509.244, F.S.; defining the term "application program  
418 interface"; requiring the division, by a specified  
419 date, to create and maintain a certain vacation rental  
420 information system; specifying requirements for the  
421 system; amending s. 509.261, F.S.; authorizing the  
422 division to revoke, refuse to issue or renew, or  
423 suspend vacation rental licenses under certain  
424 circumstances; requiring the division to specify the  
425 number of the license number of the vacation rental  
426 dwelling or unit which has been revoked, not renewed,  
427 or suspended; requiring the division to input such  
428 status in the vacation