

By the Committee on Commerce and Tourism; and Senator Wise

577-03522-12

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1                   A bill to be entitled  
2           An act relating to public lodging establishments;  
3           amending s. 509.013, F.S.; revising the definition of  
4           the term "public lodging establishment" to exclude  
5           certain apartment complexes designated primarily as  
6           housing for persons at least 62 years of age;  
7           providing that the Department of Business and  
8           Professional Regulation may require written  
9           attestation from the operator of the establishment  
10          that the apartment meets specified criteria;  
11          authorizing the Division of Hotels and Restaurants to  
12          adopt rules; providing an effective date.

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

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16           Section 1. Subsection (4) of section 509.013, Florida  
17 Statutes, is amended to read:

18           509.013 Definitions.—As used in this chapter, the term:

19           (4) (a) "Public lodging establishment" includes a transient  
20 public lodging establishment as defined in subparagraph 1. and a  
21 nontransient public lodging establishment as defined in  
22 subparagraph 2.

23           1. "Transient public lodging establishment" means any unit,  
24 group of units, dwelling, building, or group of buildings within  
25 a single complex of buildings which is rented to guests more  
26 than three times in a calendar year for periods of less than 30  
27 days or 1 calendar month, whichever is less, or which is  
28 advertised or held out to the public as a place regularly rented  
29 to guests.

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30           2. "Nontransient public lodging establishment" means any  
31 unit, group of units, dwelling, building, or group of buildings  
32 within a single complex of buildings which is rented to guests  
33 for periods of at least 30 days or 1 calendar month, whichever  
34 is less, or which is advertised or held out to the public as a  
35 place regularly rented to guests for periods of at least 30 days  
36 or 1 calendar month.

37  
38 License classifications of public lodging establishments, and  
39 the definitions therefor, are set out in s. 509.242. For the  
40 purpose of licensure, the term does not include condominium  
41 common elements as defined in s. 718.103.

42           (b) The following are excluded from the definitions in  
43 paragraph (a):

44           1. Any dormitory or other living or sleeping facility  
45 maintained by a public or private school, college, or university  
46 for the use of students, faculty, or visitors.†

47           2. Any facility certified or licensed and regulated by the  
48 Agency for Health Care Administration or the Department of  
49 Children and Family Services or other similar place regulated  
50 under s. 381.0072.†

51           3. Any place renting four rental units or less, unless the  
52 rental units are advertised or held out to the public to be  
53 places that are regularly rented to transients.†

54           4. Any unit or group of units in a condominium,  
55 cooperative, or timeshare plan and any individually or  
56 collectively owned one-family, two-family, three-family, or  
57 four-family dwelling house or dwelling unit that is rented for  
58 periods of at least 30 days or 1 calendar month, whichever is

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59 less, and that is not advertised or held out to the public as a  
60 place regularly rented for periods of less than 1 calendar  
61 month, provided that no more than four rental units within a  
62 single complex of buildings are available for rent.~~†~~

63 5. Any migrant labor camp or residential migrant housing  
64 permitted by the Department of Health under ss. 381.008-  
65 381.00895.~~†~~

66 6. Any establishment inspected by the Department of Health  
67 and regulated by chapter 513.~~†~~ ~~and~~

68 7. Any nonprofit organization that operates a facility  
69 providing housing only to patients, patients' families, and  
70 patients' caregivers and not to the general public.

71 8. Any apartment building inspected by the United States  
72 Department of Housing and Urban Development or other entity  
73 acting on the department's behalf which is designated primarily  
74 as housing for persons at least 62 years of age. The division  
75 may require the operator of the establishment to attest in  
76 writing that the apartment meets the criteria in this  
77 subparagraph. The division may adopt rules to implement this  
78 exclusion.

79 Section 2. This act shall take effect October 1, 2012.