



677376

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/01/2018	.	
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The Committee on Community Affairs (Steube) recommended the following:

Senate Amendment (with title amendment)

Delete lines 101 - 1322
and insert:
consisting of ss. 509.601-509.609, Florida Statutes, to be
entitled "Vacation Rentals."

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

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



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11 Section 3. Section 509.603, Florida Statutes, is created to
12 read:

13 509.603 Legislative findings and purpose; preemption of
14 subject matter; duties.-

15 (1) The Legislature finds that:

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

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

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

25 (d) Vacation rentals are residential in nature and, thus,
26 belong in residential neighborhoods.

27 (2) This part is created for the purpose of regulating the
28 factors unique to vacation rentals. The applicable provisions of
29 part I of this chapter are hereby deemed incorporated into this
30 part.

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

33 (4) The division has the authority to carry out this
34 chapter.

35 (5) The division shall adopt rules pursuant to ss.
36 120.536(1) and 120.54 to implement this part.

37 (6) If any provision of this part is held invalid, it is
38 the legislative intent that the preemption by this section be no
39 longer applicable to the provision of the part held invalid.



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40 Section 4. Section 509.604, Florida Statutes, is created to
41 read:

42 509.604 Licenses required; exceptions.

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

45 (2) LICENSES; ANNUAL RENEWALS.—Each vacation rental shall
46 obtain a license from the division. Such license may not be
47 transferred from one place or individual to another. It shall be
48 a misdemeanor of the second degree, punishable as provided in s.
49 775.082 or s. 775.083, for such a rental to operate without a
50 license. Local law enforcement shall provide immediate
51 assistance in pursuing an illegally operating vacation rental.
52 The division may refuse to issue a license, or a renewal
53 thereof, to any vacation rental of an operator of which, within
54 the preceding 5 years, has been adjudicated guilty of, or has
55 forfeited a bond when charged with, any crime reflecting on
56 professional character, including soliciting for prostitution,
57 pandering, letting premises for prostitution, keeping a
58 disorderly place, or illegally dealing in controlled substances
59 as defined in chapter 893, whether in this state or in any other
60 jurisdiction within the United States, or has had a license
61 denied, revoked, or suspended pursuant to s. 429.14. Licenses
62 must be renewed annually, and the division shall adopt a rule
63 establishing a staggered schedule for license renewals. If any
64 license expires while administrative charges are pending against
65 the license, the proceedings against the license shall continue
66 to conclusion as if the license were still in effect.

67 (3) APPLICATION FOR LICENSE.—Each person intending to use
68 his or her property as a vacation rental must apply for and



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69 receive a license from the division before the commencement of
70 such use. The license application must require the operator's
71 emergency contact telephone number. The division must
72 immediately issue a temporary license upon receipt of such
73 application and such temporary license allows the property to
74 begin use as a vacation rental while the application is pending
75 action. The temporary license expires upon final agency action
76 on the license application.

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

79 Section 5. Section 509.605, Florida Statutes, is created to
80 read:

81 509.605 License fees.—

82 (1) The division shall adopt by rule a fee to be paid by
83 each vacation rental as a prerequisite to issuance or renewal of
84 a license. Vacation rental units within separate buildings or at
85 separate locations but managed by one licensed operator may be
86 combined in a single license application, and the division shall
87 charge a license fee as if all units in the application are a
88 single vacation rental; however, such fee may not exceed \$1,000.
89 The division may only issue a license for a maximum of 75 units
90 under one license. The rule must require a vacation rental that
91 applies for an initial license to pay the full license fee if
92 application is made during the annual renewal period or more
93 than 6 months before the next such renewal period and one-half
94 of the fee if application is made 6 months or less before such
95 period. The rule must also require that fees be collected for
96 the purpose of funding the Hospitality Education Program,
97 pursuant to s. 509.302. Such fees must be payable in full for



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98 each application regardless of when the application is
99 submitted.

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

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

110 Section 6. Section 509.606, Florida Statutes, is created to
111 read:

112 509.606 Revocation or suspension of licenses; fines;
113 procedure.—

114 (1) Any vacation rental operating in violation of this part
115 or the rules of the division, operating without a license, or
116 operating with a suspended or revoked license may be subject by
117 the division to:

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

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

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

125 (3) The division shall post a prominent closed-for-
126 operation sign on any vacation rental, the license of which has



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127 been suspended or revoked. The division shall also post such
128 sign on any vacation rental judicially or administratively
129 determined to be operating without a license. It is a
130 misdemeanor of the second degree, punishable as provided in s.
131 775.082 or s. 775.083, for any person to deface or remove such
132 closed-for-operation sign or for any vacation rental to open for
133 operation without a license or to open for operation while its
134 license is suspended or revoked. The division may impose
135 administrative sanctions for violations of this section.

136 (4) All funds received by the division as satisfaction for
137 administrative fines must be paid into the State Treasury to the
138 credit of the Hotel and Restaurant Trust Fund and may not
139 subsequently be used for payment to any entity performing
140 required inspections under contract with the division.
141 Administrative fines may be used to support division programs
142 pursuant to s. 509.302(1).

143 (5) (a) A license may not be suspended under this section
144 for a period of more than 12 months. At the end of such period
145 of suspension, the vacation rental may apply for reinstatement
146 or renewal of the license. A vacation rental, the license of
147 which is revoked, may not apply for another license for that
148 location before the date on which the revoked license would have
149 expired.

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



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

158 (a) Any person with a direct financial interest in the
159 licensed vacation rental, within the preceding 5 years in this
160 state, any other state, or the United States, has been
161 adjudicated guilty of or forfeited a bond when charged with
162 soliciting for prostitution, pandering, letting premises for
163 prostitution, keeping a disorderly place, illegally dealing in
164 controlled substances as defined in chapter 893, or any other
165 crime reflecting on professional character.

166 (b) The division has deemed such vacation rental to be an
167 imminent danger to the public health and safety for failure to
168 meet sanitation standards, or the division has determined the
169 vacation rental to be unsafe or unfit for human occupancy.

170 (c) An advertisement for the vacation rental does not
171 display the vacation rental license number.

172 (7) A person is not entitled to the issuance of a license
173 for any vacation rental except in the discretion of the director
174 when the division has notified the current licensee for such
175 premises that administrative proceedings have been or will be
176 brought against such current licensee for violation of any
177 provision of this chapter or rule of the division.

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

182 (9) The division may refuse to issue or renew the license
183 of any vacation rental until all outstanding fines are paid in
184 full to the division as required by all final orders or other



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185 administrative action issued against the licensee by the
186 division.

187 Section 7. Section 509.607, Florida Statutes, is created to
188 read:

189 509.607 Exemptions.—Vacation rentals are exempt from
190 chapter 83 in the same manner as transient rentals. Any person,
191 partnership, corporation, or other legal entity which, for
192 another and for compensation or other valuable consideration,
193 rents or advertises for rent a vacation rental licensed under
194 chapter 509 is exempt from chapter 475.

195 Section 8. Section 509.608, Florida Statutes, is created to
196 read:

197 509.608 Inspection of premises.—

198 (1) Inspection of vacation rentals is preempted to the
199 state, and the division has jurisdiction and is solely
200 responsible for all inspections. The division is solely
201 responsible for quality assurance.

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

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

208 (4) Vacation rentals must be made available to the division
209 for inspection upon request. If, during the inspection of a
210 vacation rental, an inspector identifies vulnerable adults who
211 appear to be victims of neglect, as defined in s. 415.102, or,
212 in the case of a building that is not equipped with automatic
213 sprinkler systems, tenants or clients who may be unable to self-



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214 preserve in an emergency, the division shall convene meetings
215 with the following agencies as appropriate to the individual
216 situation: the Department of Health, the Department of Elderly
217 Affairs, the area agency on aging, the local fire marshal, the
218 landlord and affected tenants and clients, and other relevant
219 organizations, to develop a plan that improves the prospects for
220 safety of affected residents and, if necessary, identifies
221 alternative living arrangements, such as facilities licensed
222 under part II of chapter 400 or under chapter 429.

223 (5) The division shall inspect vacation rentals whenever
224 necessary to respond to an emergency or epidemiological
225 condition.

226 Section 9. Section 509.609, Florida Statutes, is created to
227 read:

228 509.609 Multiple unit vacation rental operators, additional
229 requirements.-

230 (1) When 5 or more vacation rentals in multifamily
231 dwelling are under common ownership and any such vacation
232 rental is rented out more than 180 days per year, such vacation
233 rental is subject to the additional requirements of this
234 section.

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

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

242 (b) When applying for a license renewal, all vacation



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243 rentals subject to this section which were rented out more than
244 180 days during the previous licensure period or which are
245 intended to be rented out more than 180 days during the term of
246 the license are subject to the same inspection requirements as
247 public lodging establishments under s. 509.032(2).

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

251 (4) Each year, the division must audit 1 percent of
252 operators who are subject to this section to ensure compliance.
253 During an audit, the division must request from the vacation
254 rental operator the register required under s. 509.101(2) to
255 ascertain the number of nights rented.

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

257 Section 10. Section 509.013, Florida Statutes, is reordered
258 and amended to read:

259 509.013 Definitions.—As used in this chapter, the term:

260 (2)~~(1)~~ "Division" means the Division of Hotels and
261 Restaurants of the Department of Business and Professional
262 Regulation.

263 (7)~~(2)~~ "Operator" means the owner, licensee, proprietor,
264 lessee, manager, assistant manager, or appointed agent of a
265 public lodging establishment, vacation rental, or public food
266 service establishment.

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

270 (9)~~(4)~~(a) "Public lodging establishment" includes a
271 transient public lodging establishment as defined in



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272 subparagraph 1. and a nontransient public lodging establishment
273 as defined in subparagraph 2.

274 1. "Transient public lodging establishment" means any unit,
275 group of units, dwelling, building, or group of buildings within
276 a single complex of buildings which is rented to guests more
277 than three times in a calendar year for periods of less than 30
278 days or 1 calendar month, whichever is less, or which is
279 advertised or held out to the public as a place regularly rented
280 to guests.

281 2. "Nontransient public lodging establishment" means any
282 unit, group of units, dwelling, building, or group of buildings
283 within a single complex of buildings which is rented to guests
284 for periods of at least 30 days or 1 calendar month, whichever
285 is less, or which is advertised or held out to the public as a
286 place regularly rented to guests for periods of at least 30 days
287 or 1 calendar month.

288

289 License classifications of public lodging establishments, and
290 the definitions therefor, are set out in s. 509.242. For the
291 purpose of licensure, the term does not include condominium
292 common elements as defined in s. 718.103.

293 (b) The following are excluded from the definitions in
294 paragraph (a):

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

298 2. Any facility certified or licensed and regulated by the
299 Agency for Health Care Administration or the Department of
300 Children and Families or other similar place regulated under s.



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301 381.0072.

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

305 4. Any unit or group of units in a condominium,
306 cooperative, or timeshare plan and any individually or
307 collectively owned one-family, two-family, three-family, or
308 four-family dwelling house or dwelling unit that is rented for
309 periods of at least 30 days or 1 calendar month, whichever is
310 less, and that is not advertised or held out to the public as a
311 place regularly rented for periods of less than 1 calendar
312 month, provided that no more than four rental units within a
313 single complex of buildings are available for rent.

314 5. Any migrant labor camp or residential migrant housing
315 permitted by the Department of Health under ss. 381.008-
316 381.00895.

317 6. Any establishment inspected by the Department of Health
318 and regulated by chapter 513.

319 7. Any nonprofit organization that operates a facility
320 providing housing only to patients, patients' families, and
321 patients' caregivers and not to the general public.

322 8. Any apartment building inspected by the United States
323 Department of Housing and Urban Development or other entity
324 acting on the department's behalf that is designated primarily
325 as housing for persons at least 62 years of age. The division
326 may require the operator of the apartment building to attest in
327 writing that such building meets the criteria provided in this
328 subparagraph. The division may adopt rules to implement this
329 requirement.



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

334 10. Any vacation rental.

335 ~~(8)-(5)~~(a) "Public food service establishment" means any
336 building, vehicle, place, or structure, or any room or division
337 in a building, vehicle, place, or structure where food is
338 prepared, served, or sold for immediate consumption on or in the
339 vicinity of the premises; called for or taken out by customers;
340 or prepared before ~~prior to~~ being delivered to another location
341 for consumption. The term includes a culinary education program,
342 as defined in s. 381.0072(2), which offers, prepares, serves, or
343 sells food to the general public, regardless of whether it is
344 inspected by another state agency for compliance with sanitation
345 standards.

346 (b) The following are excluded from the definition in
347 paragraph (a):

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

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

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

353 2. Any eating place maintained and operated by a church or
354 a religious, nonprofit fraternal, or nonprofit civic
355 organization:

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

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



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359
360 Upon request by the division, a church or a religious, nonprofit
361 fraternal, or nonprofit civic organization claiming an exclusion
362 under this subparagraph must provide the division documentation
363 of its status as a church or a religious, nonprofit fraternal,
364 or nonprofit civic organization.

365 3. Any eating place maintained and operated by an
366 individual or entity at a food contest, cook-off, or a temporary
367 event lasting from 1 to 3 days which is hosted by a church or a
368 religious, nonprofit fraternal, or nonprofit civic organization.
369 Upon request by the division, the event host must provide the
370 division documentation of its status as a church or a religious,
371 nonprofit fraternal, or nonprofit civic organization.

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

374 5. Any eating place maintained by a facility certified or
375 licensed and regulated by the Agency for Health Care
376 Administration or the Department of Children and Families or
377 other similar place that is regulated under s. 381.0072.

378 6. Any place of business issued a permit or inspected by
379 the Department of Agriculture and Consumer Services under s.
380 500.12.

381 7. Any place of business where the food available for
382 consumption is limited to ice, beverages with or without
383 garnishment, popcorn, or prepackaged items sold without
384 additions or preparation.

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



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388 9. Any vending machine that dispenses any food or beverages
389 other than potentially hazardous foods, as defined by division
390 rule.

391 10. Any vending machine that dispenses potentially
392 hazardous food and which is located in a facility regulated
393 under s. 381.0072.

394 11. Any research and development test kitchen limited to
395 the use of employees and which is not open to the general
396 public.

397 (1)~~(6)~~ "Director" means the Director of the Division of
398 Hotels and Restaurants of the Department of Business and
399 Professional Regulation.

400 (10)~~(7)~~ "Single complex of buildings" means all buildings
401 or structures that are owned, managed, controlled, or operated
402 under one business name and are situated on the same tract or
403 plot of land that is not separated by a public street or
404 highway.

405 (11)~~(8)~~ "Temporary food service event" means any event of
406 30 days or less in duration where food is prepared, served, or
407 sold to the general public.

408 (12)~~(9)~~ "Theme park or entertainment complex" means a
409 complex consisting ~~comprised~~ of at least 25 contiguous acres
410 owned and controlled by the same business entity and which
411 contains permanent exhibitions and a variety of recreational
412 activities and has a minimum of 1 million visitors annually.

413 (13)~~(10)~~ "Third-party provider" means, for purposes of s.
414 509.049, any provider of an approved food safety training
415 program that provides training or such a training program to a
416 public food service establishment that is not under common



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417 ownership or control with the provider.

418 ~~(15)-(11)~~ "Transient establishment" means any public lodging
419 establishment that is rented or leased to guests by an operator
420 whose intention is that such guests' occupancy will be
421 temporary.

422 ~~(16)-(12)~~ "Transient occupancy" means occupancy when it is
423 the intention of the parties that the occupancy will be
424 temporary. There is a rebuttable presumption that, when the
425 dwelling unit occupied is not the sole residence of the guest,
426 the occupancy is transient.

427 ~~(14)-(13)~~ "Transient" means a guest in transient occupancy.

428 ~~(5)-(14)~~ "Nontransient establishment" means any public
429 lodging establishment that is rented or leased to guests by an
430 operator whose intention is that the dwelling unit occupied will
431 be the sole residence of the guest.

432 ~~(6)-(15)~~ "Nontransient occupancy" means any occupancy in
433 which ~~when~~ it is the intention of the parties that such ~~the~~
434 occupancy will not be temporary. There is a rebuttable
435 presumption that, when the dwelling unit occupied is the sole
436 residence of the guest, the occupancy is nontransient.

437 ~~(4)-(16)~~ "Nontransient" means a guest in nontransient
438 occupancy.

439 (17) "Vacation rental" means any unit in a condominium or
440 cooperative or any individually or collectively owned single-
441 family, two-family, three-family, or four-family house or
442 dwelling unit that is rented to guests for periods of less than
443 180 days but that is not a timeshare project.

444 Section 11. Paragraphs (a) and (d) of subsection (2),
445 paragraph (c) of subsection (3), subsection (5), and subsection



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446 (7) of section 509.032, Florida Statutes, are amended to read:
447 509.032 Duties.—
448 (2) INSPECTION OF PREMISES.—
449 (a) The division has jurisdiction and is responsible for
450 all inspections required by this chapter. The inspection of
451 vacation rentals shall be done in accordance with part III of
452 this chapter. The division is responsible for quality assurance.
453 The division shall inspect each licensed public lodging
454 establishment at least biannually, except for transient and
455 nontransient apartments, which shall be inspected at least
456 annually. Each establishment licensed by the division shall be
457 inspected at such other times as the division determines is
458 necessary to ensure the public's health, safety, and welfare.
459 The division shall adopt by rule a risk-based inspection
460 frequency for each licensed public food service establishment.
461 The rule must require at least one, but not more than four,
462 routine inspections that must be performed annually, and may
463 include guidelines that consider the inspection and compliance
464 history of a public food service establishment, the type of food
465 and food preparation, and the type of service. The division
466 shall reassess the inspection frequency of all licensed public
467 food service establishments at least annually. Public lodging
468 units classified as ~~vacation rentals~~ or timeshare projects are
469 not subject to this requirement but shall be made available to
470 the division upon request. If, during the inspection of a public
471 lodging establishment classified for renting to transient or
472 nontransient tenants, an inspector identifies vulnerable adults
473 who appear to be victims of neglect, as defined in s. 415.102,
474 or, in the case of a building that is not equipped with



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475 automatic sprinkler systems, tenants or clients who may be
476 unable to self-preserve in an emergency, the division shall
477 convene meetings with the following agencies as appropriate to
478 the individual situation: the Department of Health, the
479 Department of Elderly Affairs, the area agency on aging, the
480 local fire marshal, the landlord and affected tenants and
481 clients, and other relevant organizations, to develop a plan
482 that improves the prospects for safety of affected residents
483 and, if necessary, identifies alternative living arrangements
484 such as facilities licensed under part II of chapter 400 or
485 under chapter 429.

486 (d) The division shall adopt and enforce sanitation rules
487 consistent with law to ensure the protection of the public from
488 food-borne illness in those establishments licensed under this
489 chapter. These rules shall provide the standards and
490 requirements for obtaining, storing, preparing, processing,
491 serving, or displaying food in public food service
492 establishments, approving public food service establishment
493 facility plans, conducting necessary public food service
494 establishment inspections for compliance with sanitation
495 regulations, cooperating and coordinating with the Department of
496 Health in epidemiological investigations, and initiating
497 enforcement actions, and for other such responsibilities deemed
498 necessary by the division. The division may not establish by
499 rule any regulation governing the design, construction,
500 erection, alteration, modification, repair, or demolition of any
501 public lodging or public food service establishment. It is the
502 intent of the Legislature to preempt that function to the
503 Florida Building Commission and the State Fire Marshal through



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504 adoption and maintenance of the Florida Building Code and the
505 Florida Fire Prevention Code. The division shall provide
506 technical assistance to the commission in updating the
507 construction standards of the Florida Building Code which govern
508 public lodging and public food service establishments. Further,
509 the division shall enforce the provisions of the Florida
510 Building Code which apply to public lodging and public food
511 service establishments in conducting any inspections authorized
512 by this part. The division, or its agent, shall notify the local
513 firesafety authority or the State Fire Marshal of any readily
514 observable violation of a rule adopted under chapter 633 which
515 relates to public lodging establishments, vacation rental, or
516 public food establishments, and the identification of such
517 violation does not require any firesafety inspection
518 certification.

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

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

524 1. Sponsors of temporary food service events shall notify
525 the division not less than 3 days before the scheduled event of
526 the type of food service proposed, the time and location of the
527 event, a complete list of food service vendors participating in
528 the event, the number of individual food service facilities each
529 vendor will operate at the event, and the identification number
530 of each food service vendor's current license as a public food
531 service establishment or temporary food service event licensee.
532 Notification may be completed orally, by telephone, in person,



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533 or in writing. A public food service establishment or food
534 service vendor may not use this notification process to
535 circumvent the license requirements of this chapter.

536 2. The division shall keep a record of all notifications
537 received for proposed temporary food service events and shall
538 provide appropriate educational materials to the event sponsors
539 and notify the event sponsors of the availability of the food-
540 recovery brochure developed under s. 595.420.

541 3.a. Unless excluded under s. 509.013(8)(b) ~~s.~~
542 ~~509.013(5)(b)~~, a public food service establishment or other food
543 service vendor must obtain one of the following classes of
544 license from the division: an individual license, for a fee of
545 no more than \$105, for each temporary food service event in
546 which it participates; or an annual license, for a fee of no
547 more than \$1,000, that entitles the licensee to participate in
548 an unlimited number of food service events during the license
549 period. The division shall establish license fees, by rule, and
550 may limit the number of food service facilities a licensee may
551 operate at a particular temporary food service event under a
552 single license.

553 b. Public food service establishments holding current
554 licenses from the division may operate under the regulations of
555 such a license at temporary food service events.

556 (5) REPORTS REQUIRED.—The division shall submit annually to
557 the Governor, the President of the Senate, the Speaker of the
558 House of Representatives, and the chairs of the legislative
559 appropriations committees a report, which shall state, but need
560 not be limited to, the total number of active public lodging and
561 public food service licenses in the state, the total number of



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562 inspections of these establishments conducted by the division to
563 ensure the enforcement of sanitary standards, the total number
564 of inspections conducted in response to emergency or
565 epidemiological conditions, the number of violations of each
566 sanitary standard, the total number of inspections conducted to
567 meet the statutorily required number of inspections, and any
568 recommendations for improved inspection procedures. The division
569 shall also keep accurate account of all expenses arising out of
570 the performance of its duties and all fees collected under this
571 chapter. The report shall be submitted by September 30 following
572 the end of the fiscal year. This report must also include
573 vacation rentals, as applicable.

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

575 (a) The regulation of public lodging establishments and
576 public food service establishments, including, but not limited
577 to, sanitation standards, inspections, training and testing of
578 personnel, and matters related to the nutritional content and
579 marketing of foods offered in such establishments, is preempted
580 to the state. This paragraph does not preempt the authority of a
581 local government or local enforcement district to conduct
582 inspections of public lodging and public food service
583 establishments for compliance with the Florida Building Code and
584 the Florida Fire Prevention Code, pursuant to ss. 553.80 and
585 633.206.

586 (b) 1. A local government may regulate activities that arise
587 when a property is used as a vacation rental, provided such
588 regulation applies uniformly to all residential properties
589 without regard to whether the property is used as a vacation
590 rental or as a long-term rental subject to part II of chapter 83



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591 or whether a property owner chooses not to rent the property.

592 2. The division shall make the vacation rental license
593 information required under this chapter, including the
594 operator's emergency contact information, available to the
595 public and local governments. Local governments may use this
596 license information for informational purposes only ~~A local law,~~
597 ~~ordinance, or regulation may not prohibit vacation rentals or~~
598 ~~regulate the duration or frequency of rental of vacation~~
599 ~~rentals. This paragraph does not apply to any local law,~~
600 ~~ordinance, or regulation adopted on or before June 1, 2011.~~

601 Section 12. Subsection (12) of section 159.27, Florida
602 Statutes, is amended to read:

603 159.27 Definitions.—The following words and terms, unless
604 the context clearly indicates a different meaning, shall have
605 the following meanings:

606 (12) "Public lodging or restaurant facility" means property
607 used for any public lodging establishment as defined in s.
608 509.242 or public food service establishment as defined in s.
609 509.013 ~~s. 509.013(5)~~ if it is part of the complex of, or
610 necessary to, another facility qualifying under this part.

611 Section 13. Paragraph (jj) of subsection (7) of section
612 212.08, Florida Statutes, is amended to read:

613 212.08 Sales, rental, use, consumption, distribution, and
614 storage tax; specified exemptions.—The sale at retail, the
615 rental, the use, the consumption, the distribution, and the
616 storage to be used or consumed in this state of the following
617 are hereby specifically exempt from the tax imposed by this
618 chapter.

619 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any



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620 entity by this chapter do not inure to any transaction that is
621 otherwise taxable under this chapter when payment is made by a
622 representative or employee of the entity by any means,
623 including, but not limited to, cash, check, or credit card, even
624 when that representative or employee is subsequently reimbursed
625 by the entity. In addition, exemptions provided to any entity by
626 this subsection do not inure to any transaction that is
627 otherwise taxable under this chapter unless the entity has
628 obtained a sales tax exemption certificate from the department
629 or the entity obtains or provides other documentation as
630 required by the department. Eligible purchases or leases made
631 with such a certificate must be in strict compliance with this
632 subsection and departmental rules, and any person who makes an
633 exempt purchase with a certificate that is not in strict
634 compliance with this subsection and the rules is liable for and
635 shall pay the tax. The department may adopt rules to administer
636 this subsection.

637 (jj) *Complimentary meals.*—Also exempt from the tax imposed
638 by this chapter are food or drinks that are furnished as part of
639 a packaged room rate by any person offering for rent or lease
640 any transient living accommodations as described in s.
641 509.013(9)(a) ~~s. 509.013(4)(a)~~ which are licensed under part I
642 of chapter 509 and which are subject to the tax under s. 212.03,
643 if a separate charge or specific amount for the food or drinks
644 is not shown. Such food or drinks are considered to be sold at
645 retail as part of the total charge for the transient living
646 accommodations. Moreover, the person offering the accommodations
647 is not considered to be the consumer of items purchased in
648 furnishing such food or drinks and may purchase those items



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649 under conditions of a sale for resale.

650 Section 14. Paragraph (b) of subsection (4) of section
651 316.1955, Florida Statutes, is amended to read:

652 316.1955 Enforcement of parking requirements for persons
653 who have disabilities.-

654 (4)

655 (b) Notwithstanding paragraph (a), a theme park or an
656 entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~
657 which provides parking in designated areas for persons who have
658 disabilities may allow any vehicle that is transporting a person
659 who has a disability to remain parked in a space reserved for
660 persons who have disabilities throughout the period the theme
661 park is open to the public for that day.

662 Section 15. Subsection (5) of section 404.056, Florida
663 Statutes, is amended to read:

664 404.056 Environmental radiation standards and projects;
665 certification of persons performing measurement or mitigation
666 services; mandatory testing; notification on real estate
667 documents; rules.-

668 (5) NOTIFICATION ON REAL ESTATE DOCUMENTS.-Notification
669 shall be provided on at least one document, form, or application
670 executed at the time of, or prior to, contract for sale and
671 purchase of any building or execution of a rental agreement for
672 any building. Such notification shall contain the following
673 language:

674
675 "RADON GAS: Radon is a naturally occurring radioactive gas
676 that, when it has accumulated in a building in sufficient
677 quantities, may present health risks to persons who are exposed



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678 to it over time. Levels of radon that exceed federal and state
679 guidelines have been found in buildings in Florida. Additional
680 information regarding radon and radon testing may be obtained
681 from your county health department.”

682

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

687 Section 16. Subsection (6) of section 477.0135, Florida
688 Statutes, is amended to read:

689 477.0135 Exemptions.—

690 (6) A license is not required of any individual providing
691 makeup or special effects services in a theme park or
692 entertainment complex to an actor, stunt person, musician,
693 extra, or other talent, or providing makeup or special effects
694 services to the general public. The term “theme park or
695 entertainment complex” has the same meaning as in s. 509.013 ~~s.~~
696 ~~509.013(9)~~.

697 Section 17. Subsection (1) of section 509.072, Florida
698 Statutes, is amended to read:

699 509.072 Hotel and Restaurant Trust Fund; collection and
700 disposition of moneys received.—

701 (1) There is created a Hotel and Restaurant Trust Fund to
702 be used for the administration and operation of the division and
703 the carrying out of all laws and rules under the jurisdiction of
704 the division pertaining to the construction, maintenance, and
705 operation of public lodging establishments, vacation rentals,
706 and public food service establishments, including the inspection



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707 of elevators as required under chapter 399. All funds collected
708 by the division and the amounts paid for licenses and fees shall
709 be deposited in the State Treasury into the Hotel and Restaurant
710 Trust Fund.

711 Section 18. Section 509.091, Florida Statutes, is amended
712 to read:

713 509.091 Notices; form and service.—

714 (1) Each notice served by the division pursuant to this
715 chapter must be in writing and must be delivered personally by
716 an agent of the division or by registered letter to the operator
717 of the public lodging establishment, vacation rental, or public
718 food service establishment. If the operator refuses to accept
719 service or evades service or the agent is otherwise unable to
720 effect service after due diligence, the division may post such
721 notice in a conspicuous place at the establishment.

722 (2) Notwithstanding subsection (1), the division may
723 deliver lodging inspection reports and food service inspection
724 reports to the operator of the public lodging establishment, vacation rental, or public food service establishment by
725 electronic means.
726

727 Section 19. Section 509.092, Florida Statutes, is amended
728 to read:

729 509.092 Public lodging establishments, vacation rentals,
730 and public food service establishments; rights as private
731 enterprises.—Public lodging establishments and public food
732 service establishments are private enterprises, and the operator
733 has the right to refuse accommodations or service to any person
734 who is objectionable or undesirable to the operator, but such
735 refusal may not be based upon race, creed, color, sex,



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736 pregnancy, physical disability, or national origin. A person
737 aggrieved by a violation of this section or a violation of a
738 rule adopted under this section has a right of action pursuant
739 to s. 760.11.

740 Section 20. Section 509.095, Florida Statutes, is amended
741 to read:

742 509.095 Accommodations at public lodging establishments or
743 vacation rentals for individuals with a valid military
744 identification card.—Upon the presentation of a valid military
745 identification card by an individual who is currently on active
746 duty as a member of the United States Armed Forces, National
747 Guard, Reserve Forces, or Coast Guard, and who seeks to obtain
748 accommodations at a hotel, motel, or bed and breakfast inn, as
749 defined in s. 509.242, or vacation rental, such hotel, motel, ~~or~~
750 bed and breakfast inn, or vacation rental shall waive any
751 minimum age policy that it may have which restricts
752 accommodations to individuals based on age. Duplication of a
753 military identification card presented pursuant to this section
754 is prohibited.

755 Section 21. Subsections (1) and (2) of section 509.101,
756 Florida Statutes, are amended to read:

757 509.101 Establishment rules; posting of notice; food
758 service inspection report; maintenance of guest register; mobile
759 food dispensing vehicle registry.—

760 (1) Any operator of a public lodging establishment,
761 vacation rental, or a public food service establishment may
762 establish reasonable rules and regulations for the management of
763 the establishment and its guests and employees; and each guest
764 or employee staying, sojourning, eating, or employed in the



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765 establishment shall conform to and abide by such rules and
766 regulations so long as the guest or employee remains in or at
767 the establishment. Such rules and regulations shall be deemed to
768 be a special contract between the operator and each guest or
769 employee using the services or facilities of the operator. Such
770 rules and regulations shall control the liabilities,
771 responsibilities, and obligations of all parties. Any rules or
772 regulations established pursuant to this section shall be
773 printed in the English language and posted in a prominent place
774 within such public lodging establishment, vacation rental, or
775 public food service establishment. In addition, any operator of
776 a public food service establishment shall maintain a copy of the
777 latest food service inspection report and shall make it
778 available to the division at the time of any division inspection
779 of the establishment and to the public, upon request.

780 (2) It is the duty of each operator of a transient
781 establishment or vacation rental to maintain at all times a
782 register of, ~~signed by or for~~ guests who occupy rental units
783 within the establishment, showing the dates upon which the
784 rental units were occupied by such guests and the rates charged
785 for their occupancy. This register shall be maintained in
786 chronological order and available for inspection by the division
787 at any time. Operators need not make available registers which
788 are more than 2 years old.

789 Section 22. Section 509.111, Florida Statutes, is amended
790 to read:

791 509.111 Liability for property of guests.—

792 (1) The operator of a public lodging establishment or
793 vacation rental is not under any obligation to accept for



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794 safekeeping any moneys, securities, jewelry, or precious stones
795 of any kind belonging to any guest, and, if such are accepted
796 for safekeeping, the operator is not liable for the loss thereof
797 unless such loss was the proximate result of fault or negligence
798 of the operator. However, the liability of the operator shall be
799 limited to \$1,000 for such loss, if the public lodging
800 establishment or vacation rental gave a receipt for the property
801 (stating the value) on a form which stated, in type large enough
802 to be clearly noticeable, that the public lodging establishment
803 or vacation rental was not liable for any loss exceeding \$1,000
804 and was only liable for that amount if the loss was the
805 proximate result of fault or negligence of the operator.

806 (2) The operator of a public lodging establishment or
807 vacation rental is not liable or responsible to any guest for
808 the loss of wearing apparel, goods, or other property, except as
809 provided in subsection (1), unless such loss occurred as the
810 proximate result of fault or negligence of such operator, and,
811 in case of fault or negligence, the operator is not liable for a
812 greater sum than \$500, unless the guest, before ~~prior to~~ the
813 loss or damage, files with the operator an inventory of the
814 guest's effects and the value thereof and the operator is given
815 the opportunity to inspect such effects and check them against
816 such inventory. The operator of a public lodging establishment
817 or vacation rental is not liable or responsible to any guest for
818 the loss of effects listed in such inventory in a total amount
819 exceeding \$1,000.

820 Section 23. Section 509.141, Florida Statutes, is amended
821 to read:

822 509.141 Refusal of admission and ejection of undesirable



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823 guests; notice; procedure; penalties for refusal to leave.-

824 (1) The operator of any public lodging establishment,
825 vacation rental, or public food service establishment may remove
826 or cause to be removed from such establishment, in the manner
827 hereinafter provided, any guest of the establishment who, while
828 on the premises of the establishment, illegally possesses or
829 deals in controlled substances as defined in chapter 893 or is
830 intoxicated, profane, lewd, or brawling; who indulges in any
831 language or conduct which disturbs the peace and comfort of
832 other guests or which injures the reputation, dignity, or
833 standing of the establishment; who, in the case of a public
834 lodging establishment or vacation rental, fails to make payment
835 of rent at the agreed-upon rental rate by the agreed-upon
836 checkout time; who, in the case of a public lodging
837 establishment or vacation rental, fails to check out by the time
838 agreed upon in writing by the guest and public lodging
839 establishment or vacation rental at check-in unless an extension
840 of time is agreed to by the public lodging establishment or
841 vacation rental and guest before ~~prior to~~ checkout; who, in the
842 case of a public food service establishment, fails to make
843 payment for food, beverages, or services; or who, in the opinion
844 of the operator, is a person the continued entertainment of whom
845 would be detrimental to such establishment. The admission to, or
846 the removal from, such establishment may ~~shall~~ not be based upon
847 race, creed, color, sex, physical disability, or national
848 origin.

849 (2) The operator of any public lodging establishment,
850 vacation rental, or public food service establishment shall
851 notify such guest that the establishment no longer desires to



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852 entertain the guest and shall request that such guest
853 immediately depart from the establishment. Such notice may be
854 given orally or in writing. If the notice is in writing, it
855 shall be as follows:

856

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

861

862 If such guest has paid in advance, the establishment shall, at
863 the time such notice is given, tender to such guest the unused
864 portion of the advance payment; however, the establishment may
865 withhold payment for each full day that the guest has been
866 entertained at the establishment for any portion of the 24-hour
867 period of such day.

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

872 (4) If any person is illegally on the premises of any
873 public lodging establishment, vacation rental, or public food
874 service establishment, the operator of such establishment may
875 call upon any law enforcement officer of this state for
876 assistance. It is the duty of such law enforcement officer, upon
877 the request of such operator, to place under arrest and take
878 into custody for violation of this section any guest who
879 violates subsection (3) in the presence of the officer. If a
880 warrant has been issued by the proper judicial officer for the



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881 arrest of any violator of subsection (3), the officer shall
882 serve the warrant, arrest the person, and take the person into
883 custody. Upon arrest, with or without warrant, the guest will be
884 deemed to have given up any right to occupancy or to have
885 abandoned such right of occupancy of the premises, and the
886 operator of the establishment may then make such premises
887 available to other guests. However, the operator of the
888 establishment shall employ all reasonable and proper means to
889 care for any personal property which may be left on the premises
890 by such guest and shall refund any unused portion of moneys paid
891 by such guest for the occupancy of such premises.

892 Section 24. Section 509.142, Florida Statutes, is amended
893 to read:

894 509.142 Conduct on premises; refusal of service.—The
895 operator of a public lodging establishment, vacation rental, or
896 public food service establishment may refuse accommodations or
897 service to any person whose conduct on the premises of the
898 establishment displays intoxication, profanity, lewdness, or
899 brawling; who indulges in language or conduct such as to disturb
900 the peace or comfort of other guests; who engages in illegal or
901 disorderly conduct; who illegally possesses or deals in
902 controlled substances as defined in chapter 893; or whose
903 conduct constitutes a nuisance. Such refusal may not be based
904 upon race, creed, color, sex, physical disability, or national
905 origin.

906 Section 25. Section 509.144, Florida Statutes, is amended
907 to read:

908 509.144 Prohibited handbill distribution in a public
909 lodging establishment or vacation rental; penalties.—



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

911 (a) "Handbill" means a flier, leaflet, pamphlet, or other
912 written material that advertises, promotes, or informs persons
913 about a person, business, company, or food service establishment
914 but does not include employee communications permissible under
915 the National Labor Relations Act, other communications protected
916 by the First Amendment to the United States Constitution, or
917 communications about public health, safety, or welfare
918 distributed by a federal, state, or local governmental entity or
919 a public or private utility.

920 (b) "Without permission" means without the expressed
921 written permission of the owner, manager, or agent of the owner
922 or manager of the public lodging establishment or vacation
923 rental where a sign is posted prohibiting advertising or
924 solicitation in the manner provided in subsection (5).

925 (c) "At or in a public lodging establishment or vacation
926 rental" means any property under the sole ownership or control
927 of a public lodging establishment or vacation rental.

928 (2) Any person, agent, contractor, or volunteer who is
929 acting on behalf of a person, business, company, or food service
930 establishment and who, without permission, delivers,
931 distributes, or places, or attempts to deliver, distribute, or
932 place, a handbill at or in a public lodging establishment or
933 vacation rental commits a misdemeanor of the first degree,
934 punishable as provided in s. 775.082 or s. 775.083.

935 (3) Any person who, without permission, directs another
936 person to deliver, distribute, or place, or attempts to deliver,
937 distribute, or place, a handbill at or in a public lodging
938 establishment or vacation rental commits a misdemeanor of the



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939 first degree, punishable as provided in s. 775.082 or s.
940 775.083. Any person sentenced under this subsection shall be
941 ordered to pay a minimum fine of \$500 in addition to any other
942 penalty imposed by the court.

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

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

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

949 (5) For purposes of this section, a public lodging
950 establishment or vacation rental that intends to prohibit
951 advertising or solicitation, as described in this section, at or
952 in such establishment must comply with the following
953 requirements when posting a sign prohibiting such solicitation
954 or advertising:

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

959 (b) The sign must be posted conspicuously.

960 (c) If the main office of a ~~the~~ public lodging
961 establishment is immediately accessible by entering the office
962 through a door from a street, parking lot, grounds, or other
963 area outside such establishment, the sign must be placed on a
964 part of the main office, such as a door or window, and the sign
965 must face the street, parking lot, grounds, or other area
966 outside such establishment.

967 (d) If the main office of a ~~the~~ public lodging



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968 establishment is not immediately accessible by entering the
969 office through a door from a street, parking lot, grounds, or
970 other area outside such establishment, the sign must be placed
971 in the immediate vicinity of the main entrance to such
972 establishment, and the sign must face the street, parking lot,
973 grounds, or other area outside such establishment.

974 (6) Any personal property, including, but not limited to,
975 any vehicle, item, object, tool, device, weapon, machine, money,
976 security, book, or record, that is used or attempted to be used
977 as an instrumentality in the commission of, or in aiding and
978 abetting in the commission of, a person's third or subsequent
979 violation of this section, whether or not comprising an element
980 of the offense, is subject to seizure and forfeiture under the
981 Florida Contraband Forfeiture Act.

982 Section 26. Subsections (1), (2), and (3) of section
983 509.162, Florida Statutes, are amended to read:

984 509.162 Theft of personal property; detaining and arrest of
985 violator; theft by employee.—

986 (1) Any law enforcement officer or operator of a public
987 lodging establishment, vacation rental, or public food service
988 establishment who has probable cause to believe that theft of
989 personal property belonging to such establishment has been
990 committed by a person and that the officer or operator can
991 recover such property or the reasonable value thereof by taking
992 the person into custody may, for the purpose of attempting to
993 effect such recovery or for prosecution, take such person into
994 custody on the premises and detain such person in a reasonable
995 manner and for a reasonable period of time. If the operator
996 takes the person into custody, a law enforcement officer shall



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997 be called to the scene immediately. The taking into custody and
998 detention by a law enforcement officer or operator of a public
999 lodging establishment, vacation rental, or public food service
1000 establishment, if done in compliance with this subsection, does
1001 not render such law enforcement officer or operator criminally
1002 or civilly liable for false arrest, false imprisonment, or
1003 unlawful detention.

1004 (2) Any law enforcement officer may arrest, either on or
1005 off the premises and without warrant, any person if there is
1006 probable cause to believe that person has committed theft in a
1007 public lodging establishment, vacation rental, or ~~in a~~ public
1008 food service establishment.

1009 (3) Any person who resists the reasonable effort of a law
1010 enforcement officer or operator of a public lodging
1011 establishment, vacation rental, or public food service
1012 establishment to recover property which the law enforcement
1013 officer or operator had probable cause to believe had been
1014 stolen from the public lodging establishment, vacation rental,
1015 or public food service establishment, and who is subsequently
1016 found to be guilty of theft of the subject property, is guilty
1017 of a misdemeanor of the first degree, punishable as provided in
1018 s. 775.082 or s. 775.083, unless such person did not know, or
1019 did not have reason to know, that the person seeking to recover
1020 the property was a law enforcement officer or the operator. For
1021 purposes of this section, the charge of theft and the charge of
1022 resisting apprehension may be tried concurrently.

1023 Section 27. Section 509.191, Florida Statutes, is amended
1024 to read:

1025 509.191 Unclaimed property.—Any property with an



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1026 identifiable owner which is left in a public lodging
1027 establishment, vacation rental, or public food service
1028 establishment, other than property belonging to a guest who has
1029 vacated the premises without notice to the operator and with an
1030 outstanding account, which property remains unclaimed after
1031 being held by the establishment for 30 days after written notice
1032 to the guest or owner of the property, shall become the property
1033 of the establishment. Property without an identifiable owner
1034 which is found in a public lodging establishment, vacation
1035 rental, or public food service establishment is subject to the
1036 provisions of chapter 705.

1037 Section 28. Section 509.2015, Florida Statutes, is amended
1038 to read:

1039 509.2015 Telephone surcharges by public lodging
1040 establishments and vacation rentals.—

1041 (1) A public lodging establishment or vacation rental that
1042 ~~which~~ imposes a surcharge for any telephone call must post
1043 notice of such surcharge in a conspicuous place located by each
1044 telephone from which a call which is subject to a surcharge may
1045 originate. Such notice must be plainly visible and printed on a
1046 sign that is not less than 3 inches by 5 inches in size, and
1047 such notice shall clearly state if the surcharge applies whether
1048 or not the telephone call has been attempted or completed.

1049 (2) The division may, pursuant to s. 509.261 or s. 509.606,
1050 suspend or revoke the license of, or impose a fine against, any
1051 public lodging establishment or vacation rental that violates
1052 subsection (1).

1053 Section 29. Subsections (1), (2), and (3) of section
1054 509.211, Florida Statutes, are amended to read:



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1055 509.211 Safety regulations.—

1056 (1) Each bedroom or apartment in each public lodging
1057 establishment or vacation rental must ~~shall~~ be equipped with an
1058 approved locking device on each door opening to the outside, to
1059 an adjoining room or apartment, or to a hallway.

1060 (2) (a) It is unlawful for any person to use within any
1061 public lodging establishment, vacation rental, or public food
1062 service establishment any fuel-burning wick-type equipment for
1063 space heating unless such equipment is vented so as to prevent
1064 the accumulation of toxic or injurious gases or liquids.

1065 (b) Any person who violates ~~the provisions of~~ paragraph (a)
1066 commits a misdemeanor of the second degree, punishable as
1067 provided in s. 775.082 or s. 775.083.

1068 (3) Each public lodging establishment or vacation rental
1069 that is three or more stories in height must have safe and
1070 secure railings on all balconies, platforms, and stairways, and
1071 all such railings must be properly maintained and repaired. The
1072 division may impose administrative sanctions for violations of
1073 this subsection pursuant to s. 509.261.

1074 Section 30. Section 509.2112, Florida Statutes, is amended
1075 to read:

1076 509.2112 Public lodging establishments and vacation rentals
1077 three stories or more in height; inspection rules.—The Division
1078 of Hotels and Restaurants of the Department of Business and
1079 Professional Regulation is directed to provide rules to require
1080 that:

1081 (1) Every public lodging establishment or vacation rental
1082 that is three stories or more in height in the state file a
1083 certificate stating that any and all balconies, platforms,



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1084 stairways, and railways have been inspected by a person
1085 competent to conduct such inspections and are safe, secure, and
1086 free of defects.

1087 (2) The information required under subsection (1) be filed
1088 commencing January 1, 1991, and every 3 years thereafter, with
1089 the Division of Hotels and Restaurants and the applicable county
1090 or municipal authority responsible for building and zoning
1091 permits.

1092 (3) If a public lodging establishment or vacation rental
1093 that is three or more stories in height fails to file the
1094 information required in subsection (1), the Division of Hotels
1095 and Restaurants shall impose administrative sanctions pursuant
1096 to s. 509.261.

1097 Section 31. Subsections (2) and (3), paragraph (a) of
1098 subsection (4), and subsection (6) of section 509.215, Florida
1099 Statutes, are amended to read:

1100 509.215 Firesafety.—

1101 (2) Any public lodging establishment or vacation rental, as
1102 defined in this chapter, which is of three stories or more and
1103 for which the construction contract was let before October 1,
1104 1983, shall be equipped with:

1105 (a) A system which complies with subsection (1); or

1106 (b) An approved sprinkler system for all interior
1107 corridors, public areas, storage rooms, closets, kitchen areas,
1108 and laundry rooms, less individual guest rooms, if the following
1109 conditions are met:

1110 1. There is a minimum 1-hour separation between each guest
1111 room and between each guest room and a corridor.

1112 2. The building is constructed of noncombustible materials.



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1113 3. The egress conditions meet the requirements of s. 5-3 of
1114 the Life Safety Code, NFPA 101.

1115 4. The building has a complete automatic fire detection
1116 system which meets the requirements of NFPA-72A and NFPA-72E,
1117 including smoke detectors in each guest room individually
1118 annunciating to a panel at a supervised location.

1119 (3) Notwithstanding any other provision of law to the
1120 contrary, this section applies only to those public lodging
1121 establishments and vacation rentals in a building wherein more
1122 than 50 percent of the units in the building are advertised or
1123 held out to the public as available for transient occupancy.

1124 (4) (a) Special exception to the provisions of this section
1125 shall be made for a public lodging establishment or vacation
1126 rental structure that is individually listed in the National
1127 Register of Historic Places pursuant to the National Historic
1128 Preservation Act of 1966, as amended; or is a contributing
1129 property to a National Register-listed district; or is
1130 designated as a historic property, or as a contributing property
1131 to a historic district under the terms of a local preservation
1132 ordinance.

1133 (6) Specialized smoke detectors for the deaf and hearing
1134 impaired shall be available upon request by guests in public
1135 lodging establishments or vacation rentals at a rate of at least
1136 one such smoke detector per 50 dwelling units or portions
1137 thereof, not to exceed five such smoke detectors per public
1138 lodging facility.

1139 Section 32. Paragraph (a) of subsection (1), paragraph (b)
1140 of subsection (2), subsection (4), and subsection (9) of section
1141 509.221, Florida Statutes, are amended to read:



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1142 509.221 Sanitary regulations.—

1143 (1) (a) Each public lodging establishment and vacation
1144 rental shall be supplied with potable water and shall provide
1145 adequate sanitary facilities for the accommodation of its
1146 employees and guests. Such facilities may include, but are not
1147 limited to, showers, handwash basins, toilets, and bidets. Such
1148 sanitary facilities shall be connected to approved plumbing.
1149 Such plumbing shall be sized, installed, and maintained in
1150 accordance with the Florida Building Code as approved by the
1151 local building authority. Wastewater or sewage shall be properly
1152 treated onsite or discharged into an approved sewage collection
1153 and treatment system.

1154 (2) (b) Within a theme park or entertainment complex as
1155 defined in s. 509.013 ~~s. 509.013(9)~~, the bathrooms are not
1156 required to be in the same building as the public food service
1157 establishment, so long as they are reasonably accessible.

1158 (4) Each bedroom in a public lodging establishment and
1159 vacation rental shall have an opening to the outside of the
1160 building, air shafts, or courts sufficient to provide adequate
1161 ventilation. Where ventilation is provided mechanically, the
1162 system shall be capable of providing at least two air changes
1163 per hour in all areas served. Where ventilation is provided by
1164 windows, each room shall have at least one window opening
1165 directly to the outside.

1166 (9) Subsections (2), (5), and (6) do not apply to any
1167 facility or unit classified as a ~~vacation rental~~, nontransient
1168 apartment, or timeshare project as described in s. 509.242(1)(c)
1169 and (f) ~~s. 509.242(1)(c), (d), and (g)~~.

1170 Section 33. Subsection (2) of section 509.241, Florida



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1171 Statutes, is amended to read:

1172 509.241 Licenses required; exceptions.—

1173 (2) APPLICATION FOR LICENSE.—Each person who plans to open
1174 a public lodging establishment or a public food service
1175 establishment shall apply for and receive a license from the
1176 division before ~~prior to~~ the commencement of operation. A
1177 condominium association, as defined in s. 718.103, which does
1178 not own any units classified as a timeshare project ~~vacation~~
1179 ~~rentals or timeshare projects~~ under s. 509.242(1)(f) or as a
1180 vacation rental ~~s. 509.242(1)(e) or (g)~~ is not required to apply
1181 for or receive a public lodging establishment license.

1182 Section 34. Subsection (1) of section 509.242, Florida
1183 Statutes, is amended to read:

1184 509.242 Public lodging establishments; classifications.—

1185 (1) A public lodging establishment is ~~shall be~~ classified
1186 as a hotel, motel, nontransient apartment, transient apartment,
1187 bed and breakfast inn, or timeshare project, ~~or vacation rental~~
1188 if the establishment satisfies the following criteria:

1189 (a) *Hotel*.—A hotel is any public lodging establishment
1190 containing sleeping room accommodations for 25 or more guests
1191 and providing the services generally provided by a hotel and
1192 recognized as a hotel in the community in which it is situated
1193 or by the industry.

1194 (b) *Motel*.—A motel is any public lodging establishment
1195 which offers rental units with an exit to the outside of each
1196 rental unit, daily or weekly rates, offstreet parking for each
1197 unit, a central office on the property with specified hours of
1198 operation, a bathroom or connecting bathroom for each rental
1199 unit, and at least six rental units, and which is recognized as



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1200 a motel in the community in which it is situated or by the
1201 industry.

1202 ~~(c) *Vacation rental.*—A vacation rental is any unit or group~~
1203 ~~of units in a condominium or cooperative or any individually or~~
1204 ~~collectively owned single-family, two-family, three-family, or~~
1205 ~~four-family house or dwelling unit that is also a transient~~
1206 ~~public lodging establishment but that is not a timeshare~~
1207 ~~project.~~

1208 ~~(d) *Nontransient apartment.*—A nontransient apartment is a~~
1209 ~~building or complex of buildings in which 75 percent or more of~~
1210 ~~the units are available for rent to nontransient tenants.~~

1211 ~~(d)(e) *Transient apartment.*—A transient apartment is a~~
1212 ~~building or complex of buildings in which more than 25 percent~~
1213 ~~of the units are advertised or held out to the public as~~
1214 ~~available for transient occupancy.~~

1215 ~~(e)(f) *Bed and breakfast inn.*—A bed and breakfast inn is a~~
1216 ~~family home structure, with no more than 15 sleeping rooms,~~
1217 ~~which has been modified to serve as a transient public lodging~~
1218 ~~establishment, which provides the accommodation and meal~~
1219 ~~services generally offered by a bed and breakfast inn, and which~~
1220 ~~is recognized as a bed and breakfast inn in the community in~~
1221 ~~which it is situated or by the hospitality industry.~~

1222 ~~(f)(g) *Timeshare project.*—A timeshare project is a~~
1223 ~~timeshare property, as defined in chapter 721, that is located~~
1224 ~~in this state and that is also a transient public lodging~~
1225 ~~establishment.~~

1226 Section 35. Subsection (1) of section 509.251, Florida
1227 Statutes, is amended to read:

1228 509.251 License fees.—



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1229 (1) The division shall adopt, by rule, a schedule of fees
1230 to be paid by each public lodging establishment as a
1231 prerequisite to issuance or renewal of a license. Such fees
1232 shall be based on the number of rental units in the
1233 establishment. The aggregate fee per establishment charged any
1234 public lodging establishment may not exceed \$1,000; however, the
1235 fees described in paragraphs (a) and (b) may not be included as
1236 part of the aggregate fee subject to this cap. ~~Vacation rental~~
1237 ~~units or~~ Timeshare projects within separate buildings or at
1238 separate locations but managed by one licensed agent may be
1239 combined in a single license application, and the division shall
1240 charge a license fee as if all units in the application are in a
1241 single licensed establishment. The fee schedule shall require an
1242 establishment which applies for an initial license to pay the
1243 full license fee if application is made during the annual
1244 renewal period or more than 6 months before the next such
1245 renewal period and one-half of the fee if application is made 6
1246 months or less before such period. The fee schedule shall
1247 include fees collected for the purpose of funding the
1248 Hospitality Education Program, pursuant to s. 509.302, which are
1249 payable in full for each application regardless of when the
1250 application is submitted.

1251 (a) Upon making initial application or an application for
1252 change of ownership, the applicant shall pay to the division a
1253 fee as prescribed by rule, not to exceed \$50, in addition to any
1254 other fees required by law, which shall cover all costs
1255 associated with initiating regulation of the establishment.

1256 (b) A license renewal filed with the division after the
1257 expiration date shall be accompanied by a delinquent fee as



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1258 prescribed by rule, not to exceed \$50, in addition to the
1259 renewal fee and any other fees required by law.

1260 Section 36. Subsection (1) of section 509.281, Florida
1261 Statutes, is amended to read:

1262 509.281 Prosecution for violation; duty of state attorney;
1263 penalties.—

1264 (1) The division or an agent of the division, upon
1265 ascertaining by inspection that any public lodging
1266 establishment, vacation rental, or public food service
1267 establishment is being operated contrary to the provisions of
1268 this chapter, shall make complaint and cause the arrest of the
1269 violator, and the state attorney, upon request of the division
1270 or agent, shall prepare all necessary papers and conduct the
1271 prosecution. The division shall proceed in the courts by
1272 mandamus or injunction whenever such proceedings may be
1273 necessary to the proper enforcement of the provisions of this
1274 chapter, of the rules adopted pursuant hereto, or of orders of
1275 the division.

1276 Section 37. Paragraph (a) of subsection (2) of section
1277 509.302, Florida Statutes, is amended to read:

1278 509.302 Hospitality Education Program.—

1279 (2)(a) All public lodging establishments, ~~and all~~ public
1280 food service establishments, and vacation rentals licensed under
1281 this chapter shall pay an annual fee of no more than \$10, which
1282 shall be included in the annual license fee and used for the
1283 sole purpose of funding the Hospitality Education Program.

1284 Section 38. Section 509.4005, Florida Statutes, is amended
1285 to read:

1286 509.4005 Applicability of ss. 509.401-509.417.—Sections



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1287 509.401-509.417 apply only to guests in transient occupancy in a
1288 public lodging establishment or vacation rental.

1289 Section 39. Subsection (1) of section 509.401, Florida
1290 Statutes, is amended to read:

1291 509.401 Operator's right to lockout.—

1292 (1) If, upon a reasonable determination by an operator of a
1293 public lodging establishment or vacation rental, a guest has
1294 accumulated a large outstanding account at such establishment,
1295 the operator may lock the guest out of the guest's rental unit
1296 for the purpose of requiring the guest to confront the operator
1297 and arrange for payment on the account. Such arrangement must be
1298 in writing, and a copy must be furnished to the guest.

1299 Section 40. Section 509.402, Florida Statutes, is amended
1300 to read:

1301 509.402 Operator's right to recover premises.—If the guest
1302 of a public lodging establishment or vacation rental vacates the
1303 premises without notice to the operator and the operator
1304 reasonably believes the guest does not intend to satisfy the
1305 outstanding account, the operator may recover the premises. Upon
1306 recovery of the premises, the operator shall make an itemized
1307 inventory of any property belonging to the guest and store such
1308 property until a settlement or a final court judgment is
1309 obtained on the guest's outstanding account. Such inventory
1310 shall be conducted by the operator and at least one other person
1311 who is not an agent of the operator.

1312 Section 41. Subsections (1) and (2) of section 509.405,
1313 Florida Statutes, are amended to read:

1314 509.405 Complaint; requirements.—To obtain an order
1315 authorizing the issuance of a writ of distress upon final



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1316 judgment, the operator must first file with the clerk of the
1317 court a complaint reciting and showing the following
1318 information:

1319 (1) A statement as to the amount of the guest's account at
1320 the public lodging establishment or vacation rental.

1321 (2) A statement that the plaintiff is the operator of the
1322 public lodging establishment or vacation rental in which the
1323 guest has an outstanding account. If the operator's interest in
1324 such account is based on written documents, a copy of such
1325 documents shall be attached to the complaint.

1326 Section 42. Section 509.409, Florida Statutes, is amended
1327 to read:

1328 509.409 Writ; inventory.—When the officer seizes
1329 distrainable property, either under s. 509.407 or s. 509.408,
1330 and such property is seized on the premises of a public lodging
1331 establishment or vacation rental, the officer shall inventory
1332 the property, hold those items which, upon appraisal, would
1333 appear to satisfy the plaintiff's claim, and return the
1334 remaining items to the defendant. If the defendant cannot be
1335 found, the officer shall hold all items of property. The officer
1336 shall release the property only pursuant to law or a court
1337 order.

1338 Section 43. Subsection (2) of section 509.417, Florida
1339 Statutes, is amended to read:

1340 509.417 Writ; sale of property distrained.—

1341 (2) At the time any property levied on is sold, it must be
1342 advertised two times, the first advertisement being at least 10
1343 days before the sale. All property so levied on may be sold on
1344 the premises of the public lodging establishment or the vacation



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1345 rental or at the courthouse door.

1346

1347 ===== T I T L E A M E N D M E N T =====

1348 And the title is amended as follows:

1349 Delete lines 12 - 86

1350 and insert:

1351 s. 509.604, F.S.; preempting licensing of vacation
1352 rentals to the state; requiring vacation rentals to
1353 obtain a license; specifying that individuals cannot
1354 transfer licenses; specifying a penalty for operating
1355 without a license; requiring local law enforcement to
1356 assist with enforcement; specifying that the division
1357 may refuse to issue or renew a license under certain
1358 circumstances; specifying that licenses must be
1359 renewed annually and that the division must adopt
1360 rules for staggered renewals; specifying the manner in
1361 which administrative proceedings proceed upon the
1362 expiration of a license; specifying that persons
1363 intending to use a property as a vacation rental apply
1364 for and receive a license before use; requiring
1365 applications for a license to include the operator's
1366 emergency contact phone number; requiring the division
1367 to issue a temporary license upon receipt of an
1368 application; requiring such licenses to be displayed
1369 in a vacation rental; creating s. 509.605, F.S.;
1370 requiring the division to adopt rules regarding
1371 certain license and delinquent fees; specifying the
1372 maximum number of units under one license; specifying
1373 requirements regarding such fees; creating s. 509.606,



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1374 F.S.; providing penalties for violations; specifying
1375 the circumstances that constitute a separate offense
1376 of a critical law or rule; specifying circumstances
1377 under which a closed-for-operation sign must be
1378 posted; specifying where administrative fines must be
1379 paid and credited to; specifying the maximum amount of
1380 time a vacation rental license may be suspended;
1381 specifying certain circumstances where the division
1382 may fine, suspend, or revoke the license of a vacation
1383 rental; specifying that persons are not entitled to a
1384 license when administrative proceedings have been or
1385 will be brought against a licensee; providing
1386 enforcement for noncompliance with final orders or
1387 other administrative actions; authorizing the division
1388 to refuse the issuance or renewal of a license until
1389 all fines have been paid; creating s. 509.607, F.S.;
1390 specifying that vacation rentals are to be treated as
1391 transient rentals regarding certain landlord and
1392 tenant provisions; exempting persons renting or
1393 advertising for rent from certain real estate
1394 regulations; creating s. 509.608, F.S.; preempting
1395 inspection of vacation rentals to the state;
1396 specifying that the division is solely responsible for
1397 inspections and quality assurance; specifying that the
1398 division has a right of entry and access for
1399 performing inspections; prohibiting the division from
1400 establishing certain rules; specifying that vacation
1401 rentals must be made available for inspection upon
1402 request; specifying procedures for vulnerable adults



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1403 appearing to be victims of neglect and, in the case of
1404 buildings without automatic sprinkler systems, persons
1405 who may not be able to self-preserve in an emergency;
1406 requiring the division to inspect vacation rentals
1407 when necessary to respond to emergencies and
1408 epidemiological conditions; amending s. 509.609, F.S.;
1409 specifying additional requirements when a specified
1410 number of certain vacation rental units that are under
1411 common ownership are rented out for a specified number
1412 of nights per year; specifying inspection requirements
1413 for such vacation rentals; specifying penalties;
1414 requiring the division to audit a specified number
1415 such vacation rentals per year; amending s. 509.013,
1416 F.S.; revising and defining terms; amending s.
1417 509.032, F.S.; specifying provisions for inspection of
1418 vacation rentals; revising the requirements of a
1419 report relating to inspection of public lodging and
1420 public food service establishments; specifying that
1421 local governments may regulate activities that arise
1422 when a property is used as a vacation rental subject
1423 to certain conditions; requiring the division to make
1424 vacation rental license information available to the
1425 public and local governments; deleting a preemption of
1426 local laws, ordinances, and regulations relating to
1427 vacation rentals; amending ss. 159.27, 212.08,
1428 316.1955, 404.056, and 477.0135, F.S.; conforming
1429 cross-references; amending ss. 509.072, 509.091,
1430 509.092, 509.095, 509.101, 509.111, 509.141, 509.142,
1431 509.144, 509.162, 509.191, 509.2015, 509.211,



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1432 509.2112, and 509.215, F.S.; conforming provisions to
1433 changes made by the act; amending s. 509.221, F.S.;
1434 conforming provisions to changes made by the act;
1435 revising a provision that excludes vacation rentals
1436 from certain sanitary regulations for public lodging;
1437 amending s. 509.241, F.S.; conforming