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LEGISLATIVE ACTION

Senate

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House

The Committee on Community Affairs (Simmons) recommended the following:

Senate Amendment (with title amendment)

Delete lines 109 - 1146

and insert:

509.603 Legislative purpose; preemption of subject matter; duties.-

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



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11 (2) All regulation of vacation rentals is preempted to the
12 state unless otherwise provided for in this chapter.

13 (3) The division has the authority to carry out this
14 chapter.

15 (4) The division shall adopt rules pursuant to ss.
16 120.536(1) and 120.54 to implement this part.

17 (5) If any provision of this part is held invalid, it is
18 the legislative intent that the preemption by this section be no
19 longer applicable to the provision of the part held invalid.

20 Section 4. Section 509.604, Florida Statutes, is created to
21 read:

22 509.604 Licenses required; exceptions.—

23 (1) LICENSES; ANNUAL RENEWALS.—Each vacation rental shall
24 obtain a license from the division. Such license may not be
25 transferred from one place or individual to another. It shall be
26 a misdemeanor of the second degree, punishable as provided in s.
27 775.082 or s. 775.083, for such a rental to operate without a
28 license. Local law enforcement shall provide immediate
29 assistance in pursuing an illegally operating vacation rental.
30 The division may refuse to issue a license, or a renewal
31 thereof, to any vacation rental of an operator of which, within
32 the preceding 5 years, has been adjudicated guilty of, or has
33 forfeited a bond when charged with, any crime reflecting on
34 professional character, including soliciting for prostitution,
35 pandering, letting premises for prostitution, keeping a
36 disorderly place, or illegally dealing in controlled substances
37 as defined in chapter 893, whether in this state or in any other
38 jurisdiction within the United States, or has had a license
39 denied, revoked, or suspended pursuant to s. 429.14. Licenses



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40 must be renewed annually, and the division shall adopt a rule
41 establishing a staggered schedule for license renewals. If any
42 license expires while administrative charges are pending against
43 the license, the proceedings against the license shall continue
44 to conclusion as if the license were still in effect.

45 (2) APPLICATION FOR LICENSE.—Each person intending to use
46 his or her property as a vacation rental must apply for and
47 receive a license from the division before the commencement of
48 such use.

49 (3) DISPLAY OF LICENSE.—Any license issued by the division
50 must be conspicuously displayed in the vacation rental, and the
51 vacation rental's license number must be displayed in all rental
52 listings or advertisements.

53 Section 5. Section 509.605, Florida Statutes, is created to
54 read:

55 509.605 License fees.—

56 (1) The division shall adopt by rule a fee to be paid by
57 the operator of each vacation rental as a prerequisite to
58 issuance or renewal of a license. Vacation rental units within
59 separate buildings or at separate locations but managed by one
60 operator may be combined in a single license application, and
61 the division shall charge a license fee as if all units in the
62 application are a single vacation rental; however, such fee may
63 not exceed \$1,000. The division may only issue a license for a
64 maximum of 75 units under one license. The rule must require a
65 vacation rental that applies for an initial license to pay the
66 full license fee if application is made during the annual
67 renewal period or more than 6 months before the next such
68 renewal period and one-half of the fee if application is made 6



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69 months or less before such period. The rule must also require
70 that fees be collected for the purpose of funding the
71 Hospitality Education Program, pursuant to s. 509.302. Such fees
72 must be payable in full for each application regardless of when
73 the application is submitted.

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

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

84 Section 6. Section 509.606, Florida Statutes, is created to
85 read:

86 509.606 Revocation or suspension of licenses; fines;
87 procedure.—

88 (1) Any vacation rental operating in violation of this part
89 or the rules of the division, operating without a license, or
90 operating with a suspended or revoked license may be subject by
91 the division to:

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

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

95 (2) For the purposes of this section, the division may
96 regard as a separate offense each day or portion of a day on
97 which a vacation rental is operated in violation of a "critical



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98 law or rule," as that term is defined by rule.

99 (3) If the license of a vacation rental is suspended or
100 revoked, the division must post a prominent closed-for-operation
101 sign on the vacation rental. The division shall also post such
102 sign on any vacation rental judicially or administratively
103 determined to be operating without a license. It is a
104 misdemeanor of the second degree, punishable as provided in s.
105 775.082 or s. 775.083, for any person to deface or remove such
106 closed-for-operation sign or for any vacation rental to open for
107 operation without a license or to open for operation while its
108 license is suspended or revoked. The division may impose
109 administrative sanctions for violations of this section.

110 (4) All funds received by the division as satisfaction for
111 administrative fines must be paid into the State Treasury to the
112 credit of the Hotel and Restaurant Trust Fund and may not
113 subsequently be used for payment to any entity performing
114 required inspections under contract with the division.
115 Administrative fines may be used to support division programs
116 pursuant to s. 509.302(1).

117 (5) (a) A license may not be suspended under this section
118 for a period of more than 12 months. At the end of such period
119 of suspension, the vacation rental may apply for reinstatement
120 or renewal of the license. A vacation rental, the license of
121 which is revoked, may not apply for another license for that
122 location before the date on which the revoked license would have
123 expired.

124 (b) The division may fine, suspend, or revoke the license
125 of any vacation rental if an operator knowingly lets, leases, or
126 gives space for unlawful gambling purposes or permits unlawful



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127 gambling in such establishment or in or upon any premises which
128 are used in connection with, and are under the same charge,
129 control, or management as, such establishment.

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

132 (a) Any person with a direct financial interest in the
133 licensed vacation rental, within the preceding 5 years in this
134 state, any other state, or the United States, has been
135 adjudicated guilty of or forfeited a bond when charged with
136 soliciting for prostitution, pandering, letting premises for
137 prostitution, keeping a disorderly place, illegally dealing in
138 controlled substances as defined in chapter 893, or any other
139 crime reflecting on professional character.

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

144 (c) The vacation rental is the subject of a final order or
145 judgment directing the vacation rental to cease operations due
146 to violation of a local ordinance.

147 (d) The vacation rental has been involved in multiple
148 violations of local ordinances in any 12-month period, thereby
149 demonstrating a repeated threat to the public health or safety
150 or to the maintenance of public order.

151 (7) A person is not entitled to the issuance of a license
152 for any vacation rental except in the discretion of the director
153 when the division has notified the current licensee for such
154 premises that administrative proceedings have been or will be
155 brought against such current licensee for violation of any



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156 provision of this chapter or rule of the division.

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

161 (9) The division may refuse to issue or renew the license
162 of any vacation rental until all outstanding fines are paid in
163 full to the division as required by all final orders or other
164 administrative action issued against the licensee by the
165 division.

166 Section 7. Section 509.607, Florida Statutes, is created to
167 read:

168 509.607 Taxes; exemptions.—Vacation rentals are subject to
169 chapter 212 in the same manner as transient rentals. Vacation
170 rentals are exempt from chapter 83 in the same manner as
171 transient rentals. Any person, partnership, corporation, or
172 other legal entity which, for another and for compensation or
173 other valuable consideration, rents or advertises for rent a
174 vacation rental licensed under chapter 509 is exempt from
175 chapter 475.

176 Section 8. Section 509.608, Florida Statutes, is created to
177 read:

178 509.608 Inspection of premises.—

179 (1) Except as otherwise provided in this chapter,
180 inspection of vacation rentals is preempted to the state and the
181 division has jurisdiction and is solely responsible for all
182 inspections. The division is solely responsible for quality
183 assurance.

184 (2) For purposes of performing inspections and the



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185 enforcement of this chapter, the division has the right of entry
186 and access to a vacation rental at any reasonable time.

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

190 (4) Vacation rentals must be made available to the division
191 for inspection upon request. If, during the inspection of a
192 vacation rental, an inspector identifies vulnerable adults who
193 appear to be victims of neglect, as defined in s. 415.102, or,
194 in the case of a building that is not equipped with automatic
195 sprinkler systems, tenants or clients who may be unable to self-
196 preserve in an emergency, the division shall convene meetings
197 with the following agencies as appropriate to the individual
198 situation: the Department of Health, the Department of Elderly
199 Affairs, the area agency on aging, the local fire marshal, the
200 landlord and affected tenants and clients, and other relevant
201 organizations, to develop a plan that improves the prospects for
202 safety of affected residents and, if necessary, identifies
203 alternative living arrangements, such as facilities licensed
204 under part II of chapter 400 or under chapter 429.

205 (5) The division shall inspect vacation rentals whenever
206 necessary to respond to an emergency or epidemiological
207 condition.

208 (6) The division shall inspect each commercial vacation
209 rental at least biannually.

210 Section 9. Section 509.013, Florida Statutes, is reordered
211 and amended to read:

212 509.013 Definitions.—As used in this chapter, the term:

213 (1) "Commercial vacation rental" means a vacation rental,



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214 as defined in subsection (18), which is one of three or more
215 vacation rentals under common ownership, either directly or
216 indirectly.

217 (3)~~(1)~~ "Division" means the Division of Hotels and
218 Restaurants of the Department of Business and Professional
219 Regulation.

220 (8)~~(2)~~ "Operator" means the owner, licensee, proprietor,
221 lessee, manager, assistant manager, or appointed agent of a
222 public lodging establishment, vacation rental, or public food
223 service establishment.

224 (4)~~(3)~~ "Guest" means any patron, customer, tenant, lodger,
225 boarder, or occupant of a public lodging establishment, vacation
226 rental, or public food service establishment.

227 (10)~~(4)~~(a) "Public lodging establishment" includes a
228 transient public lodging establishment as defined in
229 subparagraph 1. and a nontransient public lodging establishment
230 as defined in subparagraph 2.

231 1. "Transient public lodging establishment" means any unit,
232 group of units, dwelling, building, or group of buildings within
233 a single complex of buildings which is rented to guests more
234 than three times in a calendar year for periods of less than 30
235 days or 1 calendar month, whichever is less, or which is
236 advertised or held out to the public as a place regularly rented
237 to guests.

238 2. "Nontransient public lodging establishment" means any
239 unit, group of units, dwelling, building, or group of buildings
240 within a single complex of buildings which is rented to guests
241 for periods of at least 30 days or 1 calendar month, whichever
242 is less, or which is advertised or held out to the public as a



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243 place regularly rented to guests for periods of at least 30 days
244 or 1 calendar month.

245

246 License classifications of public lodging establishments, and
247 the definitions therefor, are set out in s. 509.242. For the
248 purpose of licensure, the term does not include condominium
249 common elements as defined in s. 718.103.

250 (b) The following are excluded from the definitions in
251 paragraph (a):

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

255 2. Any facility certified or licensed and regulated by the
256 Agency for Health Care Administration or the Department of
257 Children and Families or other similar place regulated under s.
258 381.0072.

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

262 4. Any unit or group of units in a condominium,
263 cooperative, or timeshare plan and any individually or
264 collectively owned one-family, two-family, three-family, or
265 four-family dwelling house or dwelling unit that is rented for
266 periods of at least 30 days or 1 calendar month, whichever is
267 less, and that is not advertised or held out to the public as a
268 place regularly rented for periods of less than 1 calendar
269 month, provided that no more than four rental units within a
270 single complex of buildings are available for rent.

271 5. Any migrant labor camp or residential migrant housing



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272 permitted by the Department of Health under ss. 381.008-
273 381.00895.

274 6. Any establishment inspected by the Department of Health
275 and regulated by chapter 513.

276 7. Any nonprofit organization that operates a facility
277 providing housing only to patients, patients' families, and
278 patients' caregivers and not to the general public.

279 8. Any apartment building inspected by the United States
280 Department of Housing and Urban Development or other entity
281 acting on the department's behalf that is designated primarily
282 as housing for persons at least 62 years of age. The division
283 may require the operator of the apartment building to attest in
284 writing that such building meets the criteria provided in this
285 subparagraph. The division may adopt rules to implement this
286 requirement.

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

291 10. Any vacation rental.

292 (9)~~(5)~~(a) "Public food service establishment" means any
293 building, vehicle, place, or structure, or any room or division
294 in a building, vehicle, place, or structure where food is
295 prepared, served, or sold for immediate consumption on or in the
296 vicinity of the premises; called for or taken out by customers;
297 or prepared before ~~prior to~~ being delivered to another location
298 for consumption. The term includes a culinary education program,
299 as defined in s. 381.0072(2), which offers, prepares, serves, or
300 sells food to the general public, regardless of whether it is



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301 inspected by another state agency for compliance with sanitation
302 standards.

303 (b) The following are excluded from the definition in
304 paragraph (a):

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

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

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

310 2. Any eating place maintained and operated by a church or
311 a religious, nonprofit fraternal, or nonprofit civic
312 organization:

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

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

316

317 Upon request by the division, a church or a religious, nonprofit
318 fraternal, or nonprofit civic organization claiming an exclusion
319 under this subparagraph must provide the division documentation
320 of its status as a church or a religious, nonprofit fraternal,
321 or nonprofit civic organization.

322 3. Any eating place maintained and operated by an
323 individual or entity at a food contest, cook-off, or a temporary
324 event lasting from 1 to 3 days which is hosted by a church or a
325 religious, nonprofit fraternal, or nonprofit civic organization.

326 Upon request by the division, the event host must provide the
327 division documentation of its status as a church or a religious,
328 nonprofit fraternal, or nonprofit civic organization.

329 4. Any eating place located on an airplane, train, bus, or



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330 watercraft which is a common carrier.

331 5. Any eating place maintained by a facility certified or
332 licensed and regulated by the Agency for Health Care
333 Administration or the Department of Children and Families or
334 other similar place that is regulated under s. 381.0072.

335 6. Any place of business issued a permit or inspected by
336 the Department of Agriculture and Consumer Services under s.
337 500.12.

338 7. Any place of business where the food available for
339 consumption is limited to ice, beverages with or without
340 garnishment, popcorn, or prepackaged items sold without
341 additions or preparation.

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

345 9. Any vending machine that dispenses any food or beverages
346 other than potentially hazardous foods, as defined by division
347 rule.

348 10. Any vending machine that dispenses potentially
349 hazardous food and which is located in a facility regulated
350 under s. 381.0072.

351 11. Any research and development test kitchen limited to
352 the use of employees and which is not open to the general
353 public.

354 (2)~~(6)~~ "Director" means the Director of the Division of
355 Hotels and Restaurants of the Department of Business and
356 Professional Regulation.

357 (11)~~(7)~~ "Single complex of buildings" means all buildings
358 or structures that are owned, managed, controlled, or operated



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359 under one business name and are situated on the same tract or
360 plot of land that is not separated by a public street or
361 highway.

362 (12)~~(8)~~ "Temporary food service event" means any event of
363 30 days or less in duration where food is prepared, served, or
364 sold to the general public.

365 (13)~~(9)~~ "Theme park or entertainment complex" means a
366 complex consisting ~~comprised~~ of at least 25 contiguous acres
367 owned and controlled by the same business entity and which
368 contains permanent exhibitions and a variety of recreational
369 activities and has a minimum of 1 million visitors annually.

370 (14)~~(10)~~ "Third-party provider" means, for purposes of s.
371 509.049, any provider of an approved food safety training
372 program that provides training or such a training program to a
373 public food service establishment that is not under common
374 ownership or control with the provider.

375 (16)~~(11)~~ "Transient establishment" means any public lodging
376 establishment that is rented or leased to guests by an operator
377 whose intention is that such guests' occupancy will be
378 temporary.

379 (17)~~(12)~~ "Transient occupancy" means occupancy when it is
380 the intention of the parties that the occupancy will be
381 temporary. There is a rebuttable presumption that, when the
382 dwelling unit occupied is not the sole residence of the guest,
383 the occupancy is transient.

384 (15)~~(13)~~ "Transient" means a guest in transient occupancy.

385 (6)~~(14)~~ "Nontransient establishment" means any public
386 lodging establishment that is rented or leased to guests by an
387 operator whose intention is that the dwelling unit occupied will



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388 be the sole residence of the guest.

389 ~~(7)-(15)~~ "Nontransient occupancy" means any occupancy in
390 which when it is the intention of the parties that such the
391 occupancy will not be temporary. There is a rebuttable
392 presumption that, when the dwelling unit occupied is the sole
393 residence of the guest, the occupancy is nontransient.

394 ~~(5)-(16)~~ "Nontransient" means a guest in nontransient
395 occupancy.

396 (18) "Vacation rental" means the whole or any part of a
397 unit in a condominium or cooperative or any individually or
398 collectively owned single-family, two-family, three-family, or
399 four-family house or dwelling unit that is rented to guests for
400 periods of less than 6 months.

401 Section 10. Paragraph (a) of subsection (2), paragraph (c)
402 of subsection (3), and subsection (7) of section 509.032,
403 Florida Statutes, are amended to read:

404 509.032 Duties.—

405 (2) INSPECTION OF PREMISES.—

406 (a) The division has jurisdiction and is responsible for
407 all inspections required by this chapter. The inspection of
408 vacation rentals shall be done in accordance with part III of
409 this chapter. The division is responsible for quality assurance.

410 The division shall inspect each licensed public lodging
411 establishment at least biannually, except for transient and
412 nontransient apartments, which shall be inspected at least
413 annually. Each establishment licensed by the division shall be
414 inspected at such other times as the division determines is
415 necessary to ensure the public's health, safety, and welfare.
416 The division shall adopt by rule a risk-based inspection



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417 frequency for each licensed public food service establishment.
418 The rule must require at least one, but not more than four,
419 routine inspections that must be performed annually, and may
420 include guidelines that consider the inspection and compliance
421 history of a public food service establishment, the type of food
422 and food preparation, and the type of service. The division
423 shall reassess the inspection frequency of all licensed public
424 food service establishments at least annually. Public lodging
425 units classified as ~~vacation rentals or~~ timeshare projects are
426 not subject to this requirement but shall be made available to
427 the division upon request. If, during the inspection of a public
428 lodging establishment classified for renting to transient or
429 nontransient tenants, an inspector identifies vulnerable adults
430 who appear to be victims of neglect, as defined in s. 415.102,
431 or, in the case of a building that is not equipped with
432 automatic sprinkler systems, tenants or clients who may be
433 unable to self-preserve in an emergency, the division shall
434 convene meetings with the following agencies as appropriate to
435 the individual situation: the Department of Health, the
436 Department of Elderly Affairs, the area agency on aging, the
437 local fire marshal, the landlord and affected tenants and
438 clients, and other relevant organizations, to develop a plan
439 that improves the prospects for safety of affected residents
440 and, if necessary, identifies alternative living arrangements
441 such as facilities licensed under part II of chapter 400 or
442 under chapter 429.

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

445 (c) Administer a public notification process for temporary



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446 food service events and distribute educational materials that
447 address safe food storage, preparation, and service procedures.

448 1. Sponsors of temporary food service events shall notify
449 the division not less than 3 days before the scheduled event of
450 the type of food service proposed, the time and location of the
451 event, a complete list of food service vendors participating in
452 the event, the number of individual food service facilities each
453 vendor will operate at the event, and the identification number
454 of each food service vendor's current license as a public food
455 service establishment or temporary food service event licensee.
456 Notification may be completed orally, by telephone, in person,
457 or in writing. A public food service establishment or food
458 service vendor may not use this notification process to
459 circumvent the license requirements of this chapter.

460 2. The division shall keep a record of all notifications
461 received for proposed temporary food service events and shall
462 provide appropriate educational materials to the event sponsors
463 and notify the event sponsors of the availability of the food-
464 recovery brochure developed under s. 595.420.

465 3.a. Unless excluded under s. 509.013(9)(b) ~~s.~~
466 ~~509.013(5)(b)~~, a public food service establishment or other food
467 service vendor must obtain one of the following classes of
468 license from the division: an individual license, for a fee of
469 no more than \$105, for each temporary food service event in
470 which it participates; or an annual license, for a fee of no
471 more than \$1,000, that entitles the licensee to participate in
472 an unlimited number of food service events during the license
473 period. The division shall establish license fees, by rule, and
474 may limit the number of food service facilities a licensee may



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475 operate at a particular temporary food service event under a
476 single license.

477 b. Public food service establishments holding current
478 licenses from the division may operate under the regulations of
479 such a license at temporary food service events.

480 (7) ALLOCATION OF STATE AND LOCAL REGULATION ~~PREEMPTION~~
481 ~~AUTHORITY.~~—

482 (a) The regulation of public lodging establishments and
483 public food service establishments, including, but not limited
484 to, sanitation standards, inspections, training and testing of
485 personnel, and matters related to the nutritional content and
486 marketing of foods offered in such establishments, is preempted
487 to the state. This paragraph does not preempt the authority of a
488 local government or local enforcement district to conduct
489 inspections of vacation rentals, public lodging establishments,
490 and public food service establishments for compliance with the
491 Florida Building Code and the Florida Fire Prevention Code,
492 pursuant to ss. 553.80 and 633.206.

493 (b) A local government may require the owner or agent of a
494 vacation rental and the owner of an owner-occupied rental to
495 obtain a local government certificate. The application for such
496 a certificate may only require the owner or agent, as
497 appropriate, to submit a copy of the vacation rental license
498 required under this chapter, a copy of the certificate of
499 registration required under s. 212.18, a valid business tax
500 receipt from the local government, the number of bedrooms and
501 maximum number of occupants, and the owner's or manager's local
502 emergency contact information, including telephone numbers and
503 e-mail address. The local government may inspect the vacation



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504 rental for compliance with building codes and life safety codes
505 and assess a reasonable fee for the submission of the required
506 information, and may assess fines for failure to comply.
507 Enforcement of vacation rental regulations by a local government
508 must be in accordance with ch. 162.

509 (c) A local government may regulate vacation rental
510 activities in detached single-family residences in which the
511 owner does not personally regularly occupy at least a portion of
512 the residence where vacation rental activities are occurring.

513 (d) A local law, ordinance, or regulation may not prohibit
514 vacation rentals or regulate the duration or frequency of rental
515 of vacation rentals. This paragraph does not apply to any local
516 law, ordinance, or regulation adopted on or before June 1, 2011,
517 including when such law, ordinance, or regulation is being
518 amended to be less restrictive with regard to vacation rentals.

519 (e) ~~(e)~~ Paragraph (d) ~~(b)~~ does not apply to any local law,
520 ordinance, or regulation exclusively relating to property
521 valuation as a criterion for vacation rental if the local law,
522 ordinance, or regulation is required to be approved by the state
523 land planning agency pursuant to an area of critical state
524 concern designation.

525 Section 11. Subsection (12) of section 159.27, Florida
526 Statutes, is amended to read:

527 159.27 Definitions.—The following words and terms, unless
528 the context clearly indicates a different meaning, shall have
529 the following meanings:

530 (12) "Public lodging or restaurant facility" means property
531 used for any public lodging establishment as defined in s.
532 509.242 or public food service establishment as defined in s.



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533 509.013 ~~s. 509.013(5)~~ if it is part of the complex of, or
534 necessary to, another facility qualifying under this part.

535 Section 12. Paragraph (jj) of subsection (7) of section
536 212.08, Florida Statutes, is amended to read:

537 212.08 Sales, rental, use, consumption, distribution, and
538 storage tax; specified exemptions.—The sale at retail, the
539 rental, the use, the consumption, the distribution, and the
540 storage to be used or consumed in this state of the following
541 are hereby specifically exempt from the tax imposed by this
542 chapter.

543 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
544 entity by this chapter do not inure to any transaction that is
545 otherwise taxable under this chapter when payment is made by a
546 representative or employee of the entity by any means,
547 including, but not limited to, cash, check, or credit card, even
548 when that representative or employee is subsequently reimbursed
549 by the entity. In addition, exemptions provided to any entity by
550 this subsection do not inure to any transaction that is
551 otherwise taxable under this chapter unless the entity has
552 obtained a sales tax exemption certificate from the department
553 or the entity obtains or provides other documentation as
554 required by the department. Eligible purchases or leases made
555 with such a certificate must be in strict compliance with this
556 subsection and departmental rules, and any person who makes an
557 exempt purchase with a certificate that is not in strict
558 compliance with this subsection and the rules is liable for and
559 shall pay the tax. The department may adopt rules to administer
560 this subsection.

561 (jj) *Complimentary meals*.—Also exempt from the tax imposed



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562 by this chapter are food or drinks that are furnished as part of
563 a packaged room rate by any person offering for rent or lease
564 any transient living accommodations as described in s.
565 509.013(10) (a) ~~s. 509.013(4) (a)~~ which are licensed under part I
566 of chapter 509 and which are subject to the tax under s. 212.03,
567 if a separate charge or specific amount for the food or drinks
568 is not shown. Such food or drinks are considered to be sold at
569 retail as part of the total charge for the transient living
570 accommodations. Moreover, the person offering the accommodations
571 is not considered to be the consumer of items purchased in
572 furnishing such food or drinks and may purchase those items
573 under conditions of a sale for resale.

574 Section 13. Paragraph (b) of subsection (4) of section
575 316.1955, Florida Statutes, is amended to read:

576 316.1955 Enforcement of parking requirements for persons
577 who have disabilities.-

578 (4)

579 (b) Notwithstanding paragraph (a), a theme park or ~~an~~
580 entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~
581 which provides parking in designated areas for persons who have
582 disabilities may allow any vehicle that is transporting a person
583 who has a disability to remain parked in a space reserved for
584 persons who have disabilities throughout the period the theme
585 park is open to the public for that day.

586 Section 14. Subsection (5) of section 404.056, Florida
587 Statutes, is amended to read:

588 404.056 Environmental radiation standards and projects;
589 certification of persons performing measurement or mitigation
590 services; mandatory testing; notification on real estate



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591 documents; rules.-

592 (5) NOTIFICATION ON REAL ESTATE DOCUMENTS.-Notification
593 shall be provided on at least one document, form, or application
594 executed at the time of, or prior to, contract for sale and
595 purchase of any building or execution of a rental agreement for
596 any building. Such notification shall contain the following
597 language:

598

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

606

607 The requirements of this subsection do not apply to any
608 residential transient occupancy, as described in s. 509.013(17)
609 ~~s. 509.013(12)~~, provided that such occupancy is 45 days or less
610 in duration.

611 Section 15. Subsection (6) of section 477.0135, Florida
612 Statutes, is amended to read:

613 477.0135 Exemptions.-

614 (6) A license is not required of any individual providing
615 makeup or special effects services in a theme park or
616 entertainment complex to an actor, stunt person, musician,
617 extra, or other talent, or providing makeup or special effects
618 services to the general public. The term "theme park or
619 entertainment complex" has the same meaning as in s. 509.013 ~~s.~~



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620 ~~509.013(9).~~

621 Section 16. Subsection (1) of section 509.072, Florida
622 Statutes, is amended to read:

623 509.072 Hotel and Restaurant Trust Fund; collection and
624 disposition of moneys received.—

625 (1) There is created a Hotel and Restaurant Trust Fund to
626 be used for the administration and operation of the division and
627 the carrying out of all laws and rules under the jurisdiction of
628 the division pertaining to the construction, maintenance, and
629 operation of public lodging establishments, vacation rentals,
630 and public food service establishments, including the inspection
631 of elevators as required under chapter 399. All funds collected
632 by the division and the amounts paid for licenses and fees shall
633 be deposited in the State Treasury into the Hotel and Restaurant
634 Trust Fund.

635 Section 17. Section 509.091, Florida Statutes, is amended
636 to read:

637 509.091 Notices; form and service.—

638 (1) Each notice served by the division pursuant to this
639 chapter must be in writing and must be delivered personally by
640 an agent of the division or by registered letter to the operator
641 of the public lodging establishment, vacation rental, or public
642 food service establishment. If the operator refuses to accept
643 service or evades service or the agent is otherwise unable to
644 effect service after due diligence, the division may post such
645 notice in a conspicuous place at the establishment.

646 (2) Notwithstanding subsection (1), the division may
647 deliver lodging inspection reports and food service inspection
648 reports to the operator of the public lodging establishment,



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649 vacation rental, or public food service establishment by
650 electronic means.

651 Section 18. Section 509.095, Florida Statutes, is amended
652 to read:

653 509.095 Accommodations at public lodging establishments or
654 vacation rentals for individuals with a valid military
655 identification card.—Upon the presentation of a valid military
656 identification card by an individual who is currently on active
657 duty as a member of the United States Armed Forces, National
658 Guard, Reserve Forces, or Coast Guard, and who seeks to obtain
659 accommodations at a hotel, motel, or bed and breakfast inn, as
660 defined in s. 509.242, or vacation rental, such hotel, motel, ~~or~~
661 bed and breakfast inn, or vacation rental shall waive any
662 minimum age policy that it may have which restricts
663 accommodations to individuals based on age. Duplication of a
664 military identification card presented pursuant to this section
665 is prohibited.

666 Section 19. Subsection (1) of section 509.101, Florida
667 Statutes, is amended to read:

668 509.101 Establishment rules; posting of notice; food
669 service inspection report; maintenance of guest register; mobile
670 food dispensing vehicle registry.—

671 (1) Any operator of a public lodging establishment,
672 vacation rental, or a public food service establishment may
673 establish reasonable rules and regulations for the management of
674 the establishment and its guests and employees; and each guest
675 or employee staying, sojourning, eating, or employed in the
676 establishment shall conform to and abide by such rules and
677 regulations so long as the guest or employee remains in or at



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678 the establishment. Such rules and regulations shall be deemed to
679 be a special contract between the operator and each guest or
680 employee using the services or facilities of the operator. Such
681 rules and regulations shall control the liabilities,
682 responsibilities, and obligations of all parties. Any rules or
683 regulations established pursuant to this section shall be
684 printed in the English language and posted in a prominent place
685 within such public lodging establishment, vacation rental, or
686 public food service establishment. In addition, any operator of
687 a public food service establishment shall maintain a copy of the
688 latest food service inspection report and shall make it
689 available to the division at the time of any division inspection
690 of the establishment and to the public, upon request.

691 Section 20. Section 509.111, Florida Statutes, is amended
692 to read:

693 509.111 Liability for property of guests.—

694 (1) The operator of a public lodging establishment or
695 vacation rental is not under any obligation to accept for
696 safekeeping any moneys, securities, jewelry, or precious stones
697 of any kind belonging to any guest, and, if such are accepted
698 for safekeeping, the operator is not liable for the loss thereof
699 unless such loss was the proximate result of fault or negligence
700 of the operator. However, the liability of the operator shall be
701 limited to \$1,000 for such loss, if the public lodging
702 establishment or vacation rental gave a receipt for the property
703 (stating the value) on a form which stated, in type large enough
704 to be clearly noticeable, that the public lodging establishment
705 or vacation rental was not liable for any loss exceeding \$1,000
706 and was only liable for that amount if the loss was the



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707 proximate result of fault or negligence of the operator.

708 (2) The operator of a public lodging establishment or
709 vacation rental is not liable or responsible to any guest for
710 the loss of wearing apparel, goods, or other property, except as
711 provided in subsection (1), unless such loss occurred as the
712 proximate result of fault or negligence of such operator, and,
713 in case of fault or negligence, the operator is not liable for a
714 greater sum than \$500, unless the guest, before ~~prior to~~ the
715 loss or damage, files with the operator an inventory of the
716 guest's effects and the value thereof and the operator is given
717 the opportunity to inspect such effects and check them against
718 such inventory. The operator of a public lodging establishment
719 or vacation rental is not liable or responsible to any guest for
720 the loss of effects listed in such inventory in a total amount
721 exceeding \$1,000.

722 Section 21. Section 509.141, Florida Statutes, is amended
723 to read:

724 509.141 Refusal of admission and ejection of undesirable
725 guests; notice; procedure; penalties for refusal to leave.-

726 (1) The operator of any public lodging establishment,
727 vacation rental, or public food service establishment may remove
728 or cause to be removed from such establishment, in the manner
729 hereinafter provided, any guest of the establishment who, while
730 on the premises of the establishment, illegally possesses or
731 deals in controlled substances as defined in chapter 893 or is
732 intoxicated, profane, lewd, or brawling; who indulges in any
733 language or conduct which disturbs the peace and comfort of
734 other guests or which injures the reputation, dignity, or
735 standing of the establishment; who, in the case of a public



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736 lodging establishment or vacation rental, fails to make payment
737 of rent at the agreed-upon rental rate by the agreed-upon
738 checkout time; who, in the case of a public lodging
739 establishment or vacation rental, fails to check out by the time
740 agreed upon in writing by the guest and public lodging
741 establishment or vacation rental at check-in unless an extension
742 of time is agreed to by the public lodging establishment or
743 vacation rental and guest before ~~prior to~~ checkout; who, in the
744 case of a public food service establishment, fails to make
745 payment for food, beverages, or services; or who, in the opinion
746 of the operator, is a person the continued entertainment of whom
747 would be detrimental to such establishment. The admission to, or
748 the removal from, such establishment may ~~shall~~ not be based upon
749 race, creed, color, sex, physical disability, or national
750 origin.

751 (2) The operator of any public lodging establishment,
752 vacation rental, or public food service establishment shall
753 notify such guest that the establishment no longer desires to
754 entertain the guest and shall request that such guest
755 immediately depart from the establishment. Such notice may be
756 given orally or in writing. If the notice is in writing, it
757 shall be as follows:

758
759 "You are hereby notified that this establishment no longer
760 desires to entertain you as its guest, and you are requested to
761 leave at once. To remain after receipt of this notice is a
762 misdemeanor under the laws of this state."

763
764 If such guest has paid in advance, the establishment shall, at



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765 the time such notice is given, tender to such guest the unused
766 portion of the advance payment; however, the establishment may
767 withhold payment for each full day that the guest has been
768 entertained at the establishment for any portion of the 24-hour
769 period of such day.

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

774 (4) If any person is illegally on the premises of any
775 public lodging establishment, vacation rental, or public food
776 service establishment, the operator of such establishment may
777 call upon any law enforcement officer of this state for
778 assistance. It is the duty of such law enforcement officer, upon
779 the request of such operator, to place under arrest and take
780 into custody for violation of this section any guest who
781 violates subsection (3) in the presence of the officer. If a
782 warrant has been issued by the proper judicial officer for the
783 arrest of any violator of subsection (3), the officer shall
784 serve the warrant, arrest the person, and take the person into
785 custody. Upon arrest, with or without warrant, the guest will be
786 deemed to have given up any right to occupancy or to have
787 abandoned such right of occupancy of the premises, and the
788 operator of the establishment may then make such premises
789 available to other guests. However, the operator of the
790 establishment shall employ all reasonable and proper means to
791 care for any personal property which may be left on the premises
792 by such guest and shall refund any unused portion of moneys paid
793 by such guest for the occupancy of such premises.



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794 Section 22. Section 509.142, Florida Statutes, is amended
795 to read:

796 509.142 Conduct on premises; refusal of service.—The
797 operator of a public lodging establishment, vacation rental, or
798 public food service establishment may refuse accommodations or
799 service to any person whose conduct on the premises of the
800 establishment displays intoxication, profanity, lewdness, or
801 brawling; who indulges in language or conduct such as to disturb
802 the peace or comfort of other guests; who engages in illegal or
803 disorderly conduct; who illegally possesses or deals in
804 controlled substances as defined in chapter 893; or whose
805 conduct constitutes a nuisance. Such refusal may not be based
806 upon race, creed, color, sex, physical disability, or national
807 origin.

808 Section 23. Section 509.144, Florida Statutes, is amended
809 to read:

810 509.144 Prohibited handbill distribution in a public
811 lodging establishment or vacation rental; penalties.—

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

813 (a) "Handbill" means a flier, leaflet, pamphlet, or other
814 written material that advertises, promotes, or informs persons
815 about a person, business, company, or food service establishment
816 but does not include employee communications permissible under
817 the National Labor Relations Act, other communications protected
818 by the First Amendment to the United States Constitution, or
819 communications about public health, safety, or welfare
820 distributed by a federal, state, or local governmental entity or
821 a public or private utility.

822 (b) "Without permission" means without the expressed



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823 written permission of the owner, manager, or agent of the owner
824 or manager of the public lodging establishment or vacation
825 rental where a sign is posted prohibiting advertising or
826 solicitation in the manner provided in subsection (5).

827 (c) "At or in a public lodging establishment or vacation
828 rental" means any property under the sole ownership or control
829 of a public lodging establishment or vacation rental.

830 (2) Any person, agent, contractor, or volunteer who is
831 acting on behalf of a person, business, company, or food service
832 establishment and who, without permission, delivers,
833 distributes, or places, or attempts to deliver, distribute, or
834 place, a handbill at or in a public lodging establishment or
835 vacation rental commits a misdemeanor of the first degree,
836 punishable as provided in s. 775.082 or s. 775.083.

837 (3) Any person who, without permission, directs another
838 person to deliver, distribute, or place, or attempts to deliver,
839 distribute, or place, a handbill at or in a public lodging
840 establishment or vacation rental commits a misdemeanor of the
841 first degree, punishable as provided in s. 775.082 or s.
842 775.083. Any person sentenced under this subsection shall be
843 ordered to pay a minimum fine of \$500 in addition to any other
844 penalty imposed by the court.

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

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

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

851 (5) For purposes of this section, a public lodging



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852 establishment or vacation rental that intends to prohibit
853 advertising or solicitation, as described in this section, at or
854 in such establishment must comply with the following
855 requirements when posting a sign prohibiting such solicitation
856 or advertising:

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

861 (b) The sign must be posted conspicuously.

862 (c) If the main office of a ~~the~~ public lodging
863 establishment is immediately accessible by entering the office
864 through a door from a street, parking lot, grounds, or other
865 area outside such establishment, the sign must be placed on a
866 part of the main office, such as a door or window, and the sign
867 must face the street, parking lot, grounds, or other area
868 outside such establishment.

869 (d) If the main office of a ~~the~~ public lodging
870 establishment is not immediately accessible by entering the
871 office through a door from a street, parking lot, grounds, or
872 other area outside such establishment, the sign must be placed
873 in the immediate vicinity of the main entrance to such
874 establishment, and the sign must face the street, parking lot,
875 grounds, or other area outside such establishment.

876 (6) Any personal property, including, but not limited to,
877 any vehicle, item, object, tool, device, weapon, machine, money,
878 security, book, or record, that is used or attempted to be used
879 as an instrumentality in the commission of, or in aiding and
880 abetting in the commission of, a person's third or subsequent



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881 violation of this section, whether or not comprising an element
882 of the offense, is subject to seizure and forfeiture under the
883 Florida Contraband Forfeiture Act.

884 Section 24. Subsections (1), (2), and (3) of section
885 509.162, Florida Statutes, are amended to read:

886 509.162 Theft of personal property; detaining and arrest of
887 violator; theft by employee.-

888 (1) Any law enforcement officer or operator of a public
889 lodging establishment, vacation rental, or public food service
890 establishment who has probable cause to believe that theft of
891 personal property belonging to such establishment has been
892 committed by a person and that the officer or operator can
893 recover such property or the reasonable value thereof by taking
894 the person into custody may, for the purpose of attempting to
895 effect such recovery or for prosecution, take such person into
896 custody on the premises and detain such person in a reasonable
897 manner and for a reasonable period of time. If the operator
898 takes the person into custody, a law enforcement officer shall
899 be called to the scene immediately. The taking into custody and
900 detention by a law enforcement officer or operator of a public
901 lodging establishment, vacation rental, or public food service
902 establishment, if done in compliance with this subsection, does
903 not render such law enforcement officer or operator criminally
904 or civilly liable for false arrest, false imprisonment, or
905 unlawful detention.

906 (2) Any law enforcement officer may arrest, either on or
907 off the premises and without warrant, any person if there is
908 probable cause to believe that person has committed theft in a
909 public lodging establishment, vacation rental, or ~~in a~~ public



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910 food service establishment.

911 (3) Any person who resists the reasonable effort of a law
912 enforcement officer or operator of a public lodging
913 establishment, vacation rental, or public food service
914 establishment to recover property which the law enforcement
915 officer or operator had probable cause to believe had been
916 stolen from the public lodging establishment, vacation rental,
917 or public food service establishment, and who is subsequently
918 found to be guilty of theft of the subject property, is guilty
919 of a misdemeanor of the first degree, punishable as provided in
920 s. 775.082 or s. 775.083, unless such person did not know, or
921 did not have reason to know, that the person seeking to recover
922 the property was a law enforcement officer or the operator. For
923 purposes of this section, the charge of theft and the charge of
924 resisting apprehension may be tried concurrently.

925 Section 25. Section 509.2015, Florida Statutes, is amended
926 to read:

927 509.2015 Telephone surcharges by public lodging
928 establishments and vacation rentals.-

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

937 (2) The division may, pursuant to s. 509.261 or s. 509.606,
938 suspend or revoke the license of, or impose a fine against, any



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939 public lodging establishment or vacation rental that violates
940 subsection (1).

941 Section 26. Subsections (1), (2), and (3) of section
942 509.211, Florida Statutes, are amended to read:

943 509.211 Safety regulations.—

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

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

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

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

962 Section 27. Section 509.2112, Florida Statutes, is amended
963 to read:

964 509.2112 Public lodging establishments and vacation rentals
965 three stories or more in height; inspection rules.—The Division
966 of Hotels and Restaurants of the Department of Business and
967 Professional Regulation is directed to provide rules to require



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968 that:

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

975 (2) The information required under subsection (1) be filed
976 commencing January 1, 1991, and every 3 years thereafter, with
977 the Division of Hotels and Restaurants and the applicable county
978 or municipal authority responsible for building and zoning
979 permits.

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

985 Section 28. Subsections (2) and (3), paragraph (a) of
986 subsection (4), and subsection (6) of section 509.215, Florida
987 Statutes, are amended to read:

988 509.215 Firesafety.—

989 (2) Any public lodging establishment or vacation rental, as
990 defined in this chapter, which is of three stories or more and
991 for which the construction contract was let before October 1,
992 1983, shall be equipped with:

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

994 (b) An approved sprinkler system for all interior
995 corridors, public areas, storage rooms, closets, kitchen areas,
996 and laundry rooms, less individual guest rooms, if the following



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997 conditions are met:

998 1. There is a minimum 1-hour separation between each guest
999 room and between each guest room and a corridor.

1000 2. The building is constructed of noncombustible materials.

1001 3. The egress conditions meet the requirements of s. 5-3 of
1002 the Life Safety Code, NFPA 101.

1003 4. The building has a complete automatic fire detection
1004 system which meets the requirements of NFPA-72A and NFPA-72E,
1005 including smoke detectors in each guest room individually
1006 annunciating to a panel at a supervised location.

1007 (3) Notwithstanding any other provision of law to the
1008 contrary, this section applies only to those public lodging
1009 establishments and vacation rentals in a building wherein more
1010 than 50 percent of the units in the building are advertised or
1011 held out to the public as available for transient occupancy.

1012 (4) (a) Special exception to the provisions of this section
1013 shall be made for a public lodging establishment or vacation
1014 rental structure that is individually listed in the National
1015 Register of Historic Places pursuant to the National Historic
1016 Preservation Act of 1966, as amended; or is a contributing
1017 property to a National Register-listed district; or is
1018 designated as a historic property, or as a contributing property
1019 to a historic district under the terms of a local preservation
1020 ordinance.

1021 (6) Specialized smoke detectors for the deaf and hearing
1022 impaired shall be available upon request by guests in public
1023 lodging establishments or vacation rentals at a rate of at least
1024 one such smoke detector per 50 dwelling units or portions
1025 thereof, not to exceed five such smoke detectors per public



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1026 lodging facility.

1027 Section 29. Paragraph (b) of subsection (2) and subsection
1028 (9) of section 509.221, Florida Statutes, are amended to read:

1029 509.221 Sanitary regulations.—

1030 (2)

1031 (b) Within a theme park or entertainment complex as defined
1032 in s. 509.013 ~~s. 509.013(9)~~, the bathrooms are not required to
1033 be in the same building as the public food service
1034 establishment, so long as they are reasonably accessible.

1035 (9) Subsections (2), (5), and (6) do not apply to any
1036 facility or unit classified as a ~~vacation rental~~, nontransient
1037 apartment, or timeshare project as described in s. 509.242(1)(c)
1038 and (f). With the exception of the requirement that they
1039 maintain public bathroom facilities, those subsections do apply
1040 to commercial vacation rentals ~~s. 509.242(1)(e), (d), and (g)~~.

1041
1042 ===== T I T L E A M E N D M E N T =====

1043 And the title is amended as follows:

1044 Delete lines 5 - 86

1045 and insert:

1046 short title; creating s. 509.603, F.S.; specifying
1047 purpose; preempting certain regulation and control of
1048 vacation rentals to the state; specifying authority of
1049 the Division of Hotels and Restaurants over regulation
1050 of vacation rentals; requiring the division to adopt
1051 rules; providing legislative intent and specifying
1052 applicability of the preemption; creating s. 509.604,
1053 F.S.; requiring vacation rentals to obtain a license;
1054 specifying that individuals cannot transfer licenses;



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1055 specifying a penalty for operating without a license;
1056 requiring local law enforcement to assist with
1057 enforcement; specifying that the division may refuse
1058 to issue or renew a license under certain
1059 circumstances; specifying that licenses must be
1060 renewed annually and that the division must adopt
1061 rules for staggered renewals; specifying the manner in
1062 which administrative proceedings proceed upon the
1063 expiration of a license; specifying that persons
1064 intending to use a property as a vacation rental apply
1065 for and receive a license before use; requiring such
1066 licenses to be displayed in a vacation rental;
1067 requiring a vacation rental's license number to be
1068 displayed in all listings and advertisements; creating
1069 s. 509.605, F.S.; requiring the division to adopt
1070 rules regarding certain license and delinquent fees;
1071 specifying the maximum number of units under one
1072 license; specifying requirements regarding such fees;
1073 creating s. 509.606, F.S.; providing penalties for
1074 violations; specifying the circumstances that
1075 constitute a separate offense of a critical law or
1076 rule; specifying circumstances under which the
1077 division must post a closed-for-operation sign on a
1078 vacation rental; specifying where administrative fines
1079 must be paid and credited to; specifying the maximum
1080 amount of time a vacation rental license may be
1081 suspended; specifying certain circumstances where the
1082 division may fine, suspend, or revoke the license of a
1083 vacation rental; specifying that persons are not



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1084 entitled to a license when administrative proceedings
1085 have been or will be brought against a licensee;
1086 providing enforcement for noncompliance with final
1087 orders or other administrative actions; authorizing
1088 the division to refuse the issuance or renewal of a
1089 license until all fines have been paid; creating s.
1090 509.607, F.S.; specifying that vacation rentals are to
1091 be treated as transient rentals regarding certain tax
1092 and landlord and tenant provisions; exempting persons
1093 renting or advertising for rent from certain real
1094 estate regulations; creating s. 509.608, F.S.;
1095 preempting inspection of vacation rentals to the
1096 state, subject to exceptions; specifying that the
1097 division is solely responsible for inspections and
1098 quality assurance; specifying that the division has a
1099 right of entry and access for performing inspections;
1100 prohibiting the division from establishing certain
1101 rules; specifying that vacation rentals must be made
1102 available for inspection upon request; specifying
1103 procedures for vulnerable adults appearing to be
1104 victims of neglect and, in the case of buildings
1105 without automatic sprinkler systems, persons who may
1106 not be able to self-preserve in an emergency;
1107 requiring the division to inspect vacation rentals
1108 when necessary to respond to emergencies and
1109 epidemiological conditions; requiring the division to
1110 inspect each commercial vacation rental at least
1111 biannually; amending s. 509.013, F.S.; revising and
1112 defining terms; amending s. 509.032, F.S.; requiring



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1113 that the inspection of vacation rentals be done in
1114 accordance with specified provisions; specifying
1115 provisions for inspection of vacation rentals relating
1116 to the Florida Building Code and the Florida Fire
1117 Prevention Code; authorizing local governments to
1118 require that vacation rental owners or their agents
1119 obtain a local government certificate; specifying the
1120 information that may be required by a local government
1121 in connection with applications for certificates;
1122 authorizing local governments to inspect vacation
1123 rentals for certain compliance; authorizing local
1124 governments to assess a specified fee, and to assess
1125 fines for noncompliance; requiring that enforcement of
1126 regulations by a local government be in accordance
1127 with specified provisions; providing that local
1128 governments may regulate activities in certain
1129 detached single-family residences; revising the
1130 preemption of local laws, ordinances, and regulations
1131 relating to vacation rentals; amending ss. 159.27,
1132 212.08, 316.1955, 404.056, and 477.0135, F.S.;
1133 conforming cross-references; amending ss. 509.072,
1134 509.091, 509.095, 509.101, 509.111, 509.141, 509.142,
1135 509.144, 509.162, 509.2015, 509.211, 509.2112, and
1136 509.215, F.S.; conforming provisions to changes made
1137 by the act; amending s. 509.221, F.S.; revising a
1138 provision that excludes vacation rentals from certain
1139 sanitary regulations; specifying, subject to an
1140 exception, that commercial vacation rentals are
1141 subject to such regulations; amending s. 509.241,



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F.S.; conforming