

By the Committees on Regulated Industries; and Community Affairs; and Senators Steube, Simmons, and Brandes

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1 A bill to be entitled
2 An act relating to vacation rentals; providing a
3 directive to the Division of Law Revision and
4 Information; creating s. 509.601, F.S.; providing a
5 short title; creating s. 509.603, F.S.; providing
6 legislative findings; specifying purpose; preempting
7 certain regulation and control of vacation rentals to
8 the state; specifying authority of the Division of
9 Hotels and Restaurants over regulation of vacation
10 rentals; requiring the division to adopt rules;
11 providing legislative intent; specifying applicability
12 of the preemption; creating s. 509.604, F.S.;
13 preempting licensing of vacation rentals to the state;
14 requiring vacation rentals to obtain a license;
15 specifying that individuals cannot transfer licenses;
16 specifying a penalty for operating without a license;
17 requiring local law enforcement to assist with
18 enforcement; specifying that the division may refuse
19 to issue or renew a license under certain
20 circumstances; specifying that licenses must be
21 renewed annually and that the division must adopt
22 rules for staggered renewals; specifying the manner in
23 which administrative proceedings proceed upon the
24 expiration of a license; specifying that persons
25 intending to use a property as a vacation rental apply
26 for and receive a license before use; requiring
27 applications for a license to include the operator's
28 emergency contact phone number; requiring the division
29 to issue a temporary license upon receipt of an

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30 application; requiring such licenses to be displayed
31 in a vacation rental; creating s. 509.605, F.S.;
32 requiring the division to adopt rules regarding
33 certain license and delinquent fees; specifying the
34 maximum number of units under one license; specifying
35 requirements regarding such fees; creating s.
36 509.6051, F.S.; specifying maximum occupancy for
37 vacation rentals; creating s. 509.606, F.S.; providing
38 penalties for violations; specifying the circumstances
39 that constitute a separate offense of a critical law
40 or rule; specifying circumstances under which a
41 closed-for-operation sign must be posted; specifying
42 where administrative fines must be paid and credited
43 to; specifying the maximum amount of time a vacation
44 rental license may be suspended; specifying certain
45 circumstances where the division may fine, suspend, or
46 revoke the license of a vacation rental; specifying
47 that persons are not entitled to a license when
48 administrative proceedings have been or will be
49 brought against a licensee; providing enforcement for
50 noncompliance with final orders or other
51 administrative actions; authorizing the division to
52 refuse the issuance or renewal of a license until all
53 fines have been paid; creating s. 509.607, F.S.;
54 specifying that vacation rentals are to be treated as
55 transient rentals regarding certain landlord and
56 tenant provisions; exempting persons renting or
57 advertising for rent from certain real estate
58 regulations; creating s. 509.608, F.S.; preempting

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59 inspection of vacation rentals to the state;
60 specifying that the division is solely responsible for
61 inspections and quality assurance; specifying that the
62 division has a right of entry and access for
63 performing inspections; prohibiting the division from
64 establishing certain rules; specifying that vacation
65 rentals must be made available for inspection upon
66 request; specifying procedures for vulnerable adults
67 appearing to be victims of neglect and, in the case of
68 buildings without automatic sprinkler systems, persons
69 who may not be able to self-preserve in an emergency;
70 requiring the division to inspect vacation rentals
71 when necessary to respond to emergencies and
72 epidemiological conditions; amending s. 509.609, F.S.;
73 specifying additional requirements when a specified
74 number of certain vacation rental units that are under
75 common ownership are rented out for a specified number
76 of nights per year; specifying inspection requirements
77 for such vacation rentals; specifying penalties;
78 requiring the division to audit at least a specified
79 number such vacation rentals per year; amending s.
80 509.013, F.S.; revising and defining terms; amending
81 s. 509.032, F.S.; specifying provisions for inspection
82 of vacation rentals; revising the requirements of a
83 report relating to inspection of public lodging and
84 public food service establishments; specifying that
85 local governments may regulate activities that arise
86 when a property is used as a vacation rental, subject
87 to certain conditions; grandfathering certain local

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88 laws, ordinances, and regulations; requiring the
89 division to make vacation rental license information
90 available to the public and local governments;
91 deleting a prohibition against certain local
92 regulation of vacation rentals; amending ss. 159.27,
93 212.08, 316.1955, 404.056, and 477.0135, F.S.;
94 conforming cross-references; amending ss. 509.072,
95 509.091, 509.092, 509.095, 509.101, 509.111, 509.141,
96 509.142, 509.144, 509.162, 509.191, 509.2015, 509.211,
97 509.2112, and 509.215, F.S.; conforming provisions to
98 changes made by the act; amending s. 509.221, F.S.;
99 conforming provisions to changes made by the act;
100 revising a provision that excludes vacation rentals
101 from certain sanitary regulations for public lodging;
102 amending s. 509.241, F.S.; conforming provisions to
103 changes made by the act; amending s. 509.242, F.S.;
104 removing vacation rentals from the classifications of
105 public lodging establishments; amending ss. 509.251,
106 509.281, 509.302, 509.4005, 509.401, 509.402, 509.405,
107 509.409, and 509.417, F.S.; conforming provisions to
108 changes made by the act; amending ss. 553.5041,
109 717.1355, and 877.24, F.S.; conforming cross-
110 references; providing an effective date.

111
112 Be It Enacted by the Legislature of the State of Florida:

113
114 Section 1. The Division of Law Revision and Information is
115 directed to create part III of chapter 509, Florida Statutes,
116 consisting of ss. 509.601-509.609, Florida Statutes, to be

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117 entitled "Vacation Rentals."

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

120 509.601 Short title.—This part may be cited as the "Florida
121 Vacation Rental Act."

122 Section 3. Section 509.603, Florida Statutes, is created to
123 read:

124 509.603 Legislative findings and purpose; preemption of
125 subject matter; intent; duties.—

126 (1) The Legislature finds that:

127 (a) Property owners who choose to use their property as a
128 vacation rental have constitutionally protected property rights
129 and other rights that must be protected, including the right to
130 use their residential property as a vacation rental;

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

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

136 (d) Vacation rentals are residential in nature and, thus,
137 belong in residential neighborhoods.

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

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

144 (4) The division has the authority to carry out this
145 chapter.

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146 (5) The division shall adopt rules pursuant to ss.
147 120.536(1) and 120.54 to implement this part.

148 (6) The Legislature does not intend for the application of
149 this part to supersede any current or future declaration or
150 declaration of condominium enacted pursuant to chapter 718,
151 cooperative documents enacted pursuant to chapter 719, or
152 declaration of covenants or declaration enacted pursuant to
153 chapter 720.

154 (7) If any provision of this part is held invalid, it is
155 the legislative intent that the preemption by this section be no
156 longer applicable to the provision of the part held invalid.

157 Section 4. Section 509.604, Florida Statutes, is created to
158 read:

159 509.604 Licenses required; exceptions.

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

162 (2) LICENSES; ANNUAL RENEWALS.—Each vacation rental shall
163 obtain a license from the division. Such license may not be
164 transferred from one place or individual to another. It shall be
165 a misdemeanor of the second degree, punishable as provided in s.
166 775.082 or s. 775.083, for such a rental to operate without a
167 license. Local law enforcement shall provide immediate
168 assistance in pursuing an illegally operating vacation rental.
169 The division may refuse to issue a license, or a renewal
170 thereof, to any vacation rental of an operator of which, within
171 the preceding 5 years, has been adjudicated guilty of, or has
172 forfeited a bond when charged with, any crime reflecting on
173 professional character, including soliciting for prostitution,
174 pandering, letting premises for prostitution, keeping a

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175 disorderly place, or illegally dealing in controlled substances
176 as defined in chapter 893, whether in this state or in any other
177 jurisdiction within the United States, or has had a license
178 denied, revoked, or suspended pursuant to s. 429.14. Licenses
179 must be renewed annually, and the division shall adopt a rule
180 establishing a staggered schedule for license renewals. If any
181 license expires while administrative charges are pending against
182 the license, the proceedings against the license shall continue
183 to conclusion as if the license were still in effect.

184 (3) APPLICATION FOR LICENSE.—Each person intending to use
185 his or her property as a vacation rental must apply for and
186 receive a license from the division before the commencement of
187 such use. The license application must require the operator's
188 emergency contact telephone number. The division must
189 immediately issue a temporary license upon receipt of such
190 application and such temporary license allows the property to
191 begin use as a vacation rental while the application is pending
192 action. The temporary license expires upon final agency action
193 on the license application.

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

196 Section 5. Section 509.605, Florida Statutes, is created to
197 read:

198 509.605 License fees.—

199 (1) The division shall adopt by rule a fee to be paid by
200 each vacation rental as a prerequisite to issuance or renewal of
201 a license. Vacation rental units within separate buildings or at
202 separate locations but managed by one licensed operator may be
203 combined in a single license application, and the division shall

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204 charge a license fee as if all units in the application are a
205 single vacation rental; however, such fee may not exceed \$1,000.
206 The division may only issue a license for a maximum of 75 units
207 under one license. The rule must require a vacation rental that
208 applies for an initial license to pay the full license fee if
209 application is made during the annual renewal period or more
210 than 6 months before the next such renewal period and one-half
211 of the fee if application is made 6 months or less before such
212 period. The rule must also require that fees be collected for
213 the purpose of funding the Hospitality Education Program,
214 pursuant to s. 509.302. Such fees must be payable in full for
215 each application regardless of when the application is
216 submitted.

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

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

227 Section 6. Section 509.6051, Florida Statutes, is created
228 to read:

229 509.6051 Occupancy limits.—Vacation rentals have a maximum
230 occupancy limit of the lesser of the following:

231 (1) Four persons plus two additional persons for each
232 sleeping room.

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233 (2) One person for each 150 square feet of finished area.

234 Section 7. Section 509.606, Florida Statutes, is created to
235 read:

236 509.606 Revocation or suspension of licenses; fines;
237 procedure.—

238 (1) Any vacation rental operating in violation of this part
239 or the rules of the division, operating without a license, or
240 operating with a suspended or revoked license may be subject by
241 the division to:

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

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

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

249 (3) The division shall post a prominent closed-for-
250 operation sign on any vacation rental, the license of which has
251 been suspended or revoked. The division shall also post such
252 sign on any vacation rental judicially or administratively
253 determined to be operating without a license. It is a
254 misdemeanor of the second degree, punishable as provided in s.
255 775.082 or s. 775.083, for any person to deface or remove such
256 closed-for-operation sign or for any vacation rental to open for
257 operation without a license or to open for operation while its
258 license is suspended or revoked. The division may impose
259 administrative sanctions for violations of this section.

260 (4) All funds received by the division as satisfaction for
261 administrative fines must be paid into the State Treasury to the

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262 credit of the Hotel and Restaurant Trust Fund and may not
263 subsequently be used for payment to any entity performing
264 required inspections under contract with the division.
265 Administrative fines may be used to support division programs
266 pursuant to s. 509.302(1).

267 (5) (a) A license may not be suspended under this section
268 for a period of more than 12 months. At the end of such period
269 of suspension, the vacation rental may apply for reinstatement
270 or renewal of the license. A vacation rental, the license of
271 which is revoked, may not apply for another license for that
272 location before the date on which the revoked license would have
273 expired.

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

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

282 (a) Any person with a direct financial interest in the
283 licensed vacation rental, within the preceding 5 years in this
284 state, any other state, or the United States, has been
285 adjudicated guilty of or forfeited a bond when charged with
286 soliciting for prostitution, pandering, letting premises for
287 prostitution, keeping a disorderly place, illegally dealing in
288 controlled substances as defined in chapter 893, or any other
289 crime reflecting on professional character.

290 (b) The division has deemed such vacation rental to be an

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291 imminent danger to the public health and safety for failure to
292 meet sanitation standards, or the division has determined the
293 vacation rental to be unsafe or unfit for human occupancy.

294 (c) An advertisement for the vacation rental does not
295 display the vacation rental license number.

296 (7) A person is not entitled to the issuance of a license
297 for any vacation rental except in the discretion of the director
298 when the division has notified the current licensee for such
299 premises that administrative proceedings have been or will be
300 brought against such current licensee for violation of any
301 provision of this chapter or rule of the division.

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

306 (9) The division may refuse to issue or renew the license
307 of any vacation rental until all outstanding fines are paid in
308 full to the division as required by all final orders or other
309 administrative action issued against the licensee by the
310 division.

311 Section 8. Section 509.607, Florida Statutes, is created to
312 read:

313 509.607 Exemptions.—Vacation rentals are exempt from
314 chapter 83 in the same manner as transient rentals. Any person,
315 partnership, corporation, or other legal entity which, for
316 another and for compensation or other valuable consideration,
317 rents or advertises for rent a vacation rental licensed under
318 chapter 509 is exempt from chapter 475.

319 Section 9. Section 509.608, Florida Statutes, is created to

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320 read:

321 509.608 Inspection of premises.-

322 (1) Inspection of vacation rentals is preempted to the
323 state, and the division has jurisdiction and is solely
324 responsible for all inspections. The division is solely
325 responsible for quality assurance.

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

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

332 (4) Vacation rentals must be made available to the division
333 for inspection upon request. If, during the inspection of a
334 vacation rental, an inspector identifies vulnerable adults who
335 appear to be victims of neglect, as defined in s. 415.102, or,
336 in the case of a building that is not equipped with automatic
337 sprinkler systems, tenants or clients who may be unable to self-
338 preserve in an emergency, the division shall convene meetings
339 with the following agencies as appropriate to the individual
340 situation: the Department of Health, the Department of Elderly
341 Affairs, the area agency on aging, the local fire marshal, the
342 landlord and affected tenants and clients, and other relevant
343 organizations, to develop a plan that improves the prospects for
344 safety of affected residents and, if necessary, identifies
345 alternative living arrangements, such as facilities licensed
346 under part II of chapter 400 or under chapter 429.

347 (5) The division shall inspect vacation rentals whenever
348 necessary to respond to an emergency or epidemiological

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349 condition.

350 Section 10. Section 509.609, Florida Statutes, is created
351 to read:

352 509.609 Multiple unit vacation rental operators, additional
353 requirements.-

354 (1) When 5 or more vacation rentals in multifamily
355 dwelling are under common ownership and any such vacation
356 rental is rented out more than 180 days per year, such vacation
357 rental is subject to the additional requirements of this
358 section.

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

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

366 (b) When applying for a license renewal, all vacation
367 rentals subject to this section which were rented out more than
368 180 days during the previous licensure period or which are
369 intended to be rented out more than 180 days during the term of
370 the license are subject to the same inspection requirements as
371 public lodging establishments under s. 509.032(2).

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

375 (4) Each year, the division must audit at least 1 percent
376 of operators who are subject to this section to ensure
377 compliance. During an audit, the division must request from the

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378 vacation rental operator the register required under s.
379 509.101(2) to ascertain the number of nights rented.

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

381 Section 11. Section 509.013, Florida Statutes, is reordered
382 and amended to read:

383 509.013 Definitions.—As used in this chapter, the term:

384 (2)~~(1)~~ "Division" means the Division of Hotels and
385 Restaurants of the Department of Business and Professional
386 Regulation.

387 (7)~~(2)~~ "Operator" means the owner, licensee, proprietor,
388 lessee, manager, assistant manager, or appointed agent of a
389 public lodging establishment, vacation rental, or public food
390 service establishment.

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

394 (9)~~(4)~~ (a) "Public lodging establishment" includes a
395 transient public lodging establishment as defined in
396 subparagraph 1. and a nontransient public lodging establishment
397 as defined in subparagraph 2.

398 1. "Transient public lodging establishment" means any unit,
399 group of units, dwelling, building, or group of buildings within
400 a single complex of buildings which is rented to guests more
401 than three times in a calendar year for periods of less than 30
402 days or 1 calendar month, whichever is less, or which is
403 advertised or held out to the public as a place regularly rented
404 to guests.

405 2. "Nontransient public lodging establishment" means any
406 unit, group of units, dwelling, building, or group of buildings

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407 within a single complex of buildings which is rented to guests
408 for periods of at least 30 days or 1 calendar month, whichever
409 is less, or which is advertised or held out to the public as a
410 place regularly rented to guests for periods of at least 30 days
411 or 1 calendar month.

412

413 License classifications of public lodging establishments, and
414 the definitions therefor, are set out in s. 509.242. For the
415 purpose of licensure, the term does not include condominium
416 common elements as defined in s. 718.103.

417 (b) The following are excluded from the definitions in
418 paragraph (a):

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

422 2. Any facility certified or licensed and regulated by the
423 Agency for Health Care Administration or the Department of
424 Children and Families or other similar place regulated under s.
425 381.0072.

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

429 4. Any unit or group of units in a condominium,
430 cooperative, or timeshare plan and any individually or
431 collectively owned one-family, two-family, three-family, or
432 four-family dwelling house or dwelling unit that is rented for
433 periods of at least 30 days or 1 calendar month, whichever is
434 less, and that is not advertised or held out to the public as a
435 place regularly rented for periods of less than 1 calendar

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436 month, provided that no more than four rental units within a
437 single complex of buildings are available for rent.

438 5. Any migrant labor camp or residential migrant housing
439 permitted by the Department of Health under ss. 381.008-
440 381.00895.

441 6. Any establishment inspected by the Department of Health
442 and regulated by chapter 513.

443 7. Any nonprofit organization that operates a facility
444 providing housing only to patients, patients' families, and
445 patients' caregivers and not to the general public.

446 8. Any apartment building inspected by the United States
447 Department of Housing and Urban Development or other entity
448 acting on the department's behalf that is designated primarily
449 as housing for persons at least 62 years of age. The division
450 may require the operator of the apartment building to attest in
451 writing that such building meets the criteria provided in this
452 subparagraph. The division may adopt rules to implement this
453 requirement.

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

458 10. Any vacation rental.

459 (8)~~(5)~~(a) "Public food service establishment" means any
460 building, vehicle, place, or structure, or any room or division
461 in a building, vehicle, place, or structure where food is
462 prepared, served, or sold for immediate consumption on or in the
463 vicinity of the premises; called for or taken out by customers;
464 or prepared before ~~prior to~~ being delivered to another location

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465 for consumption. The term includes a culinary education program,
466 as defined in s. 381.0072(2), which offers, prepares, serves, or
467 sells food to the general public, regardless of whether it is
468 inspected by another state agency for compliance with sanitation
469 standards.

470 (b) The following are excluded from the definition in
471 paragraph (a):

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

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

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

477 2. Any eating place maintained and operated by a church or
478 a religious, nonprofit fraternal, or nonprofit civic
479 organization:

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

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

483

484 Upon request by the division, a church or a religious, nonprofit
485 fraternal, or nonprofit civic organization claiming an exclusion
486 under this subparagraph must provide the division documentation
487 of its status as a church or a religious, nonprofit fraternal,
488 or nonprofit civic organization.

489 3. Any eating place maintained and operated by an
490 individual or entity at a food contest, cook-off, or a temporary
491 event lasting from 1 to 3 days which is hosted by a church or a
492 religious, nonprofit fraternal, or nonprofit civic organization.
493 Upon request by the division, the event host must provide the

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494 division documentation of its status as a church or a religious,
495 nonprofit fraternal, or nonprofit civic organization.

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

498 5. Any eating place maintained by a facility certified or
499 licensed and regulated by the Agency for Health Care
500 Administration or the Department of Children and Families or
501 other similar place that is regulated under s. 381.0072.

502 6. Any place of business issued a permit or inspected by
503 the Department of Agriculture and Consumer Services under s.
504 500.12.

505 7. Any place of business where the food available for
506 consumption is limited to ice, beverages with or without
507 garnishment, popcorn, or prepackaged items sold without
508 additions or preparation.

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

512 9. Any vending machine that dispenses any food or beverages
513 other than potentially hazardous foods, as defined by division
514 rule.

515 10. Any vending machine that dispenses potentially
516 hazardous food and which is located in a facility regulated
517 under s. 381.0072.

518 11. Any research and development test kitchen limited to
519 the use of employees and which is not open to the general
520 public.

521 (1)~~(6)~~ "Director" means the Director of the Division of
522 Hotels and Restaurants of the Department of Business and

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523 Professional Regulation.

524 (10)~~(7)~~ "Single complex of buildings" means all buildings
525 or structures that are owned, managed, controlled, or operated
526 under one business name and are situated on the same tract or
527 plot of land that is not separated by a public street or
528 highway.

529 (11)~~(8)~~ "Temporary food service event" means any event of
530 30 days or less in duration where food is prepared, served, or
531 sold to the general public.

532 (12)~~(9)~~ "Theme park or entertainment complex" means a
533 complex consisting ~~comprised~~ of at least 25 contiguous acres
534 owned and controlled by the same business entity and which
535 contains permanent exhibitions and a variety of recreational
536 activities and has a minimum of 1 million visitors annually.

537 (13)~~(10)~~ "Third-party provider" means, for purposes of s.
538 509.049, any provider of an approved food safety training
539 program that provides training or such a training program to a
540 public food service establishment that is not under common
541 ownership or control with the provider.

542 (15)~~(11)~~ "Transient establishment" means any public lodging
543 establishment that is rented or leased to guests by an operator
544 whose intention is that such guests' occupancy will be
545 temporary.

546 (16)~~(12)~~ "Transient occupancy" means occupancy when it is
547 the intention of the parties that the occupancy will be
548 temporary. There is a rebuttable presumption that, when the
549 dwelling unit occupied is not the sole residence of the guest,
550 the occupancy is transient.

551 (14)~~(13)~~ "Transient" means a guest in transient occupancy.

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552 (5) ~~(14)~~ "Nontransient establishment" means any public
553 lodging establishment that is rented or leased to guests by an
554 operator whose intention is that the dwelling unit occupied will
555 be the sole residence of the guest.

556 (6) ~~(15)~~ "Nontransient occupancy" means any occupancy in
557 which ~~when~~ it is the intention of the parties that such ~~the~~
558 occupancy will not be temporary. There is a rebuttable
559 presumption that, when the dwelling unit occupied is the sole
560 residence of the guest, the occupancy is nontransient.

561 (4) ~~(16)~~ "Nontransient" means a guest in nontransient
562 occupancy.

563 (17) "Vacation rental" means any unit or group of units in
564 a condominium or cooperative or any individually or collectively
565 owned single-family, two-family, three-family, or four-family
566 house or dwelling that is rented to guests more than three times
567 in a calendar year for periods of less than 30 days or 1
568 calendar month, whichever is less, but that is not a timeshare
569 project.

570 Section 12. Paragraphs (a) and (d) of subsection (2),
571 paragraph (c) of subsection (3), subsection (5), and subsection
572 (7) of section 509.032, Florida Statutes, are amended to read:

573 509.032 Duties.—

574 (2) INSPECTION OF PREMISES.—

575 (a) The division has jurisdiction and is responsible for
576 all inspections required by this chapter. The inspection of
577 vacation rentals shall be done in accordance with part III of
578 this chapter. The division is responsible for quality assurance.
579 The division shall inspect each licensed public lodging
580 establishment at least biannually, except for transient and

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581 nontransient apartments, which shall be inspected at least
582 annually. Each establishment licensed by the division shall be
583 inspected at such other times as the division determines is
584 necessary to ensure the public's health, safety, and welfare.
585 The division shall adopt by rule a risk-based inspection
586 frequency for each licensed public food service establishment.
587 The rule must require at least one, but not more than four,
588 routine inspections that must be performed annually, and may
589 include guidelines that consider the inspection and compliance
590 history of a public food service establishment, the type of food
591 and food preparation, and the type of service. The division
592 shall reassess the inspection frequency of all licensed public
593 food service establishments at least annually. Public lodging
594 units classified as ~~vacation rentals~~ or timeshare projects are
595 not subject to this requirement but shall be made available to
596 the division upon request. If, during the inspection of a public
597 lodging establishment classified for renting to transient or
598 nontransient tenants, an inspector identifies vulnerable adults
599 who appear to be victims of neglect, as defined in s. 415.102,
600 or, in the case of a building that is not equipped with
601 automatic sprinkler systems, tenants or clients who may be
602 unable to self-preserve in an emergency, the division shall
603 convene meetings with the following agencies as appropriate to
604 the individual situation: the Department of Health, the
605 Department of Elderly Affairs, the area agency on aging, the
606 local fire marshal, the landlord and affected tenants and
607 clients, and other relevant organizations, to develop a plan
608 that improves the prospects for safety of affected residents
609 and, if necessary, identifies alternative living arrangements

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610 such as facilities licensed under part II of chapter 400 or
611 under chapter 429.

612 (d) The division shall adopt and enforce sanitation rules
613 consistent with law to ensure the protection of the public from
614 food-borne illness in those establishments licensed under this
615 chapter. These rules shall provide the standards and
616 requirements for obtaining, storing, preparing, processing,
617 serving, or displaying food in public food service
618 establishments, approving public food service establishment
619 facility plans, conducting necessary public food service
620 establishment inspections for compliance with sanitation
621 regulations, cooperating and coordinating with the Department of
622 Health in epidemiological investigations, and initiating
623 enforcement actions, and for other such responsibilities deemed
624 necessary by the division. The division may not establish by
625 rule any regulation governing the design, construction,
626 erection, alteration, modification, repair, or demolition of any
627 public lodging or public food service establishment. It is the
628 intent of the Legislature to preempt that function to the
629 Florida Building Commission and the State Fire Marshal through
630 adoption and maintenance of the Florida Building Code and the
631 Florida Fire Prevention Code. The division shall provide
632 technical assistance to the commission in updating the
633 construction standards of the Florida Building Code which govern
634 public lodging and public food service establishments. Further,
635 the division shall enforce the provisions of the Florida
636 Building Code which apply to public lodging and public food
637 service establishments in conducting any inspections authorized
638 by this part. The division, or its agent, shall notify the local

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639 firesafety authority or the State Fire Marshal of any readily
640 observable violation of a rule adopted under chapter 633 which
641 relates to public lodging establishments, vacation rental, or
642 public food establishments, and the identification of such
643 violation does not require any firesafety inspection
644 certification.

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

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

650 1. Sponsors of temporary food service events shall notify
651 the division not less than 3 days before the scheduled event of
652 the type of food service proposed, the time and location of the
653 event, a complete list of food service vendors participating in
654 the event, the number of individual food service facilities each
655 vendor will operate at the event, and the identification number
656 of each food service vendor's current license as a public food
657 service establishment or temporary food service event licensee.
658 Notification may be completed orally, by telephone, in person,
659 or in writing. A public food service establishment or food
660 service vendor may not use this notification process to
661 circumvent the license requirements of this chapter.

662 2. The division shall keep a record of all notifications
663 received for proposed temporary food service events and shall
664 provide appropriate educational materials to the event sponsors
665 and notify the event sponsors of the availability of the food-
666 recovery brochure developed under s. 595.420.

667 3.a. Unless excluded under s. 509.013(8)(b) ~~s.~~

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668 ~~509.013(5)(b)~~, a public food service establishment or other food
669 service vendor must obtain one of the following classes of
670 license from the division: an individual license, for a fee of
671 no more than \$105, for each temporary food service event in
672 which it participates; or an annual license, for a fee of no
673 more than \$1,000, that entitles the licensee to participate in
674 an unlimited number of food service events during the license
675 period. The division shall establish license fees, by rule, and
676 may limit the number of food service facilities a licensee may
677 operate at a particular temporary food service event under a
678 single license.

679 b. Public food service establishments holding current
680 licenses from the division may operate under the regulations of
681 such a license at temporary food service events.

682 (5) REPORTS REQUIRED.—The division shall submit annually to
683 the Governor, the President of the Senate, the Speaker of the
684 House of Representatives, and the chairs of the legislative
685 appropriations committees a report, which shall state, but need
686 not be limited to, the total number of active public lodging and
687 public food service licenses in the state, the total number of
688 inspections of these establishments conducted by the division to
689 ensure the enforcement of sanitary standards, the total number
690 of inspections conducted in response to emergency or
691 epidemiological conditions, the number of violations of each
692 sanitary standard, the total number of inspections conducted to
693 meet the statutorily required number of inspections, and any
694 recommendations for improved inspection procedures. The division
695 shall also keep accurate account of all expenses arising out of
696 the performance of its duties and all fees collected under this

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697 chapter. The report shall be submitted by September 30 following
698 the end of the fiscal year. This report must also include
699 vacation rentals, as applicable.

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

701 (a) The regulation of public lodging establishments and
702 public food service establishments, including, but not limited
703 to, sanitation standards, inspections, training and testing of
704 personnel, and matters related to the nutritional content and
705 marketing of foods offered in such establishments, is preempted
706 to the state. This paragraph does not preempt the authority of a
707 local government or local enforcement district to conduct
708 inspections of public lodging and public food service
709 establishments for compliance with the Florida Building Code and
710 the Florida Fire Prevention Code, pursuant to ss. 553.80 and
711 633.206.

712 (b) 1. A local government may regulate activities that arise
713 when a property is used as a vacation rental only when such
714 regulation applies uniformly to all residential properties
715 without regard to whether the property is used as a vacation
716 rental or as a long-term rental subject to part II of chapter 83
717 or whether a property owner chooses not to rent the property.
718 Such regulation also may not prohibit vacation rentals or
719 regulate the duration or frequency of a rental. This
720 subparagraph does not apply to any local law, ordinance, or
721 regulation adopted on or before June 1, 2011, including when
722 such local law, ordinance, or regulation is being amended to be
723 less restrictive.

724 2. The division shall make the vacation rental license
725 information required under this chapter, including the

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726 operator's emergency contact information, available to the
727 public and local governments. Local governments may use this
728 license information for informational purposes only. ~~A local~~
729 ~~law, ordinance, or regulation may not prohibit vacation rentals~~
730 ~~or regulate the duration or frequency of rental of vacation~~
731 ~~rentals. This paragraph does not apply to any local law,~~
732 ~~ordinance, or regulation adopted on or before June 1, 2011.~~

733 (c) Subparagraph (b)1. ~~Paragraph (b)~~ does not apply to any
734 local law, ordinance, or regulation exclusively relating to
735 property valuation as a criterion for vacation rental if the
736 local law, ordinance, or regulation is required to be approved
737 by the state land planning agency pursuant to an area of
738 critical state concern designation.

739 Section 13. Subsection (12) of section 159.27, Florida
740 Statutes, is amended to read:

741 159.27 Definitions.—The following words and terms, unless
742 the context clearly indicates a different meaning, shall have
743 the following meanings:

744 (12) "Public lodging or restaurant facility" means property
745 used for any public lodging establishment as defined in s.
746 509.242 or public food service establishment as defined in s.
747 509.013 ~~s. 509.013(5)~~ if it is part of the complex of, or
748 necessary to, another facility qualifying under this part.

749 Section 14. Paragraph (jj) of subsection (7) of section
750 212.08, Florida Statutes, is amended to read:

751 212.08 Sales, rental, use, consumption, distribution, and
752 storage tax; specified exemptions.—The sale at retail, the
753 rental, the use, the consumption, the distribution, and the
754 storage to be used or consumed in this state of the following

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755 are hereby specifically exempt from the tax imposed by this
756 chapter.

757 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
758 entity by this chapter do not inure to any transaction that is
759 otherwise taxable under this chapter when payment is made by a
760 representative or employee of the entity by any means,
761 including, but not limited to, cash, check, or credit card, even
762 when that representative or employee is subsequently reimbursed
763 by the entity. In addition, exemptions provided to any entity by
764 this subsection do not inure to any transaction that is
765 otherwise taxable under this chapter unless the entity has
766 obtained a sales tax exemption certificate from the department
767 or the entity obtains or provides other documentation as
768 required by the department. Eligible purchases or leases made
769 with such a certificate must be in strict compliance with this
770 subsection and departmental rules, and any person who makes an
771 exempt purchase with a certificate that is not in strict
772 compliance with this subsection and the rules is liable for and
773 shall pay the tax. The department may adopt rules to administer
774 this subsection.

775 (jj) *Complimentary meals.*—Also exempt from the tax imposed
776 by this chapter are food or drinks that are furnished as part of
777 a packaged room rate by any person offering for rent or lease
778 any transient living accommodations as described in s.
779 509.013(9)(a) ~~s. 509.013(4)(a)~~ which are licensed under part I
780 of chapter 509 and which are subject to the tax under s. 212.03,
781 if a separate charge or specific amount for the food or drinks
782 is not shown. Such food or drinks are considered to be sold at
783 retail as part of the total charge for the transient living

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784 accommodations. Moreover, the person offering the accommodations
785 is not considered to be the consumer of items purchased in
786 furnishing such food or drinks and may purchase those items
787 under conditions of a sale for resale.

788 Section 15. Paragraph (b) of subsection (4) of section
789 316.1955, Florida Statutes, is amended to read:

790 316.1955 Enforcement of parking requirements for persons
791 who have disabilities.—

792 (4)

793 (b) Notwithstanding paragraph (a), a theme park or ~~an~~
794 entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~
795 which provides parking in designated areas for persons who have
796 disabilities may allow any vehicle that is transporting a person
797 who has a disability to remain parked in a space reserved for
798 persons who have disabilities throughout the period the theme
799 park is open to the public for that day.

800 Section 16. Subsection (5) of section 404.056, Florida
801 Statutes, is amended to read:

802 404.056 Environmental radiation standards and projects;
803 certification of persons performing measurement or mitigation
804 services; mandatory testing; notification on real estate
805 documents; rules.—

806 (5) NOTIFICATION ON REAL ESTATE DOCUMENTS.—Notification
807 shall be provided on at least one document, form, or application
808 executed at the time of, or prior to, contract for sale and
809 purchase of any building or execution of a rental agreement for
810 any building. Such notification shall contain the following
811 language:

812

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

820

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

825 Section 17. Subsection (6) of section 477.0135, Florida
826 Statutes, is amended to read:

827 477.0135 Exemptions.—

828 (6) A license is not required of any individual providing
829 makeup or special effects services in a theme park or
830 entertainment complex to an actor, stunt person, musician,
831 extra, or other talent, or providing makeup or special effects
832 services to the general public. The term "theme park or
833 entertainment complex" has the same meaning as in s. 509.013 ~~s.~~
834 ~~509.013(9)~~.

835 Section 18. Subsection (1) of section 509.072, Florida
836 Statutes, is amended to read:

837 509.072 Hotel and Restaurant Trust Fund; collection and
838 disposition of moneys received.—

839 (1) There is created a Hotel and Restaurant Trust Fund to
840 be used for the administration and operation of the division and
841 the carrying out of all laws and rules under the jurisdiction of

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842 the division pertaining to the construction, maintenance, and
843 operation of public lodging establishments, vacation rentals,
844 and public food service establishments, including the inspection
845 of elevators as required under chapter 399. All funds collected
846 by the division and the amounts paid for licenses and fees shall
847 be deposited in the State Treasury into the Hotel and Restaurant
848 Trust Fund.

849 Section 19. Section 509.091, Florida Statutes, is amended
850 to read:

851 509.091 Notices; form and service.—

852 (1) Each notice served by the division pursuant to this
853 chapter must be in writing and must be delivered personally by
854 an agent of the division or by registered letter to the operator
855 of the public lodging establishment, vacation rental, or public
856 food service establishment. If the operator refuses to accept
857 service or evades service or the agent is otherwise unable to
858 effect service after due diligence, the division may post such
859 notice in a conspicuous place at the establishment.

860 (2) Notwithstanding subsection (1), the division may
861 deliver lodging inspection reports and food service inspection
862 reports to the operator of the public lodging establishment, vacation rental, or public food service establishment by
863 electronic means.
864

865 Section 20. Section 509.092, Florida Statutes, is amended
866 to read:

867 509.092 Public lodging establishments, vacation rentals,
868 and public food service establishments; rights as private
869 enterprises.—Public lodging establishments and public food
870 service establishments are private enterprises, and the operator

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871 has the right to refuse accommodations or service to any person
872 who is objectionable or undesirable to the operator, but such
873 refusal may not be based upon race, creed, color, sex,
874 pregnancy, physical disability, or national origin. A person
875 aggrieved by a violation of this section or a violation of a
876 rule adopted under this section has a right of action pursuant
877 to s. 760.11.

878 Section 21. Section 509.095, Florida Statutes, is amended
879 to read:

880 509.095 Accommodations at public lodging establishments or
881 vacation rentals for individuals with a valid military
882 identification card.—Upon the presentation of a valid military
883 identification card by an individual who is currently on active
884 duty as a member of the United States Armed Forces, National
885 Guard, Reserve Forces, or Coast Guard, and who seeks to obtain
886 accommodations at a hotel, motel, or bed and breakfast inn, as
887 defined in s. 509.242, or vacation rental, such hotel, motel, ~~or~~
888 bed and breakfast inn, or vacation rental shall waive any
889 minimum age policy that it may have which restricts
890 accommodations to individuals based on age. Duplication of a
891 military identification card presented pursuant to this section
892 is prohibited.

893 Section 22. Subsections (1) and (2) of section 509.101,
894 Florida Statutes, are amended to read:

895 509.101 Establishment rules; posting of notice; food
896 service inspection report; maintenance of guest register; mobile
897 food dispensing vehicle registry.—

898 (1) Any operator of a public lodging establishment,
899 vacation rental, or ~~a~~ public food service establishment may

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900 establish reasonable rules and regulations for the management of
901 the establishment and its guests and employees; and each guest
902 or employee staying, sojourning, eating, or employed in the
903 establishment shall conform to and abide by such rules and
904 regulations so long as the guest or employee remains in or at
905 the establishment. Such rules and regulations shall be deemed to
906 be a special contract between the operator and each guest or
907 employee using the services or facilities of the operator. Such
908 rules and regulations shall control the liabilities,
909 responsibilities, and obligations of all parties. Any rules or
910 regulations established pursuant to this section shall be
911 printed in the English language and posted in a prominent place
912 within such public lodging establishment, vacation rental, or
913 public food service establishment. In addition, any operator of
914 a public food service establishment shall maintain a copy of the
915 latest food service inspection report and shall make it
916 available to the division at the time of any division inspection
917 of the establishment and to the public, upon request.

918 (2) It is the duty of each operator of a transient
919 establishment or vacation rental to maintain at all times a
920 register of, ~~signed by or for~~ guests who occupy rental units
921 within the establishment, showing the dates upon which the
922 rental units were occupied by such guests and the rates charged
923 for their occupancy. This register shall be maintained in
924 chronological order and available for inspection by the division
925 at any time. Operators need not make available registers which
926 are more than 2 years old.

927 Section 23. Section 509.111, Florida Statutes, is amended
928 to read:

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929 509.111 Liability for property of guests.—

930 (1) The operator of a public lodging establishment or
931 vacation rental is not under any obligation to accept for
932 safekeeping any moneys, securities, jewelry, or precious stones
933 of any kind belonging to any guest, and, if such are accepted
934 for safekeeping, the operator is not liable for the loss thereof
935 unless such loss was the proximate result of fault or negligence
936 of the operator. However, the liability of the operator shall be
937 limited to \$1,000 for such loss, if the public lodging
938 establishment or vacation rental gave a receipt for the property
939 (stating the value) on a form which stated, in type large enough
940 to be clearly noticeable, that the public lodging establishment
941 or vacation rental was not liable for any loss exceeding \$1,000
942 and was only liable for that amount if the loss was the
943 proximate result of fault or negligence of the operator.

944 (2) The operator of a public lodging establishment or
945 vacation rental is not liable or responsible to any guest for
946 the loss of wearing apparel, goods, or other property, except as
947 provided in subsection (1), unless such loss occurred as the
948 proximate result of fault or negligence of such operator, and,
949 in case of fault or negligence, the operator is not liable for a
950 greater sum than \$500, unless the guest, before ~~prior to~~ the
951 loss or damage, files with the operator an inventory of the
952 guest's effects and the value thereof and the operator is given
953 the opportunity to inspect such effects and check them against
954 such inventory. The operator of a public lodging establishment
955 or vacation rental is not liable or responsible to any guest for
956 the loss of effects listed in such inventory in a total amount
957 exceeding \$1,000.

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958 Section 24. Section 509.141, Florida Statutes, is amended
959 to read:

960 509.141 Refusal of admission and ejection of undesirable
961 guests; notice; procedure; penalties for refusal to leave.—

962 (1) The operator of any public lodging establishment,
963 vacation rental, or public food service establishment may remove
964 or cause to be removed from such establishment, in the manner
965 hereinafter provided, any guest of the establishment who, while
966 on the premises of the establishment, illegally possesses or
967 deals in controlled substances as defined in chapter 893 or is
968 intoxicated, profane, lewd, or brawling; who indulges in any
969 language or conduct which disturbs the peace and comfort of
970 other guests or which injures the reputation, dignity, or
971 standing of the establishment; who, in the case of a public
972 lodging establishment or vacation rental, fails to make payment
973 of rent at the agreed-upon rental rate by the agreed-upon
974 checkout time; who, in the case of a public lodging
975 establishment or vacation rental, fails to check out by the time
976 agreed upon in writing by the guest and public lodging
977 establishment or vacation rental at check-in unless an extension
978 of time is agreed to by the public lodging establishment or
979 vacation rental and guest before ~~prior to~~ checkout; who, in the
980 case of a public food service establishment, fails to make
981 payment for food, beverages, or services; or who, in the opinion
982 of the operator, is a person the continued entertainment of whom
983 would be detrimental to such establishment. The admission to, or
984 the removal from, such establishment may ~~shall~~ not be based upon
985 race, creed, color, sex, physical disability, or national
986 origin.

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987 (2) The operator of any public lodging establishment,
988 vacation rental, or public food service establishment shall
989 notify such guest that the establishment no longer desires to
990 entertain the guest and shall request that such guest
991 immediately depart from the establishment. Such notice may be
992 given orally or in writing. If the notice is in writing, it
993 shall be as follows:

994

995 “You are hereby notified that this establishment no longer
996 desires to entertain you as its guest, and you are requested to
997 leave at once. To remain after receipt of this notice is a
998 misdemeanor under the laws of this state.”

999

1000 If such guest has paid in advance, the establishment shall, at
1001 the time such notice is given, tender to such guest the unused
1002 portion of the advance payment; however, the establishment may
1003 withhold payment for each full day that the guest has been
1004 entertained at the establishment for any portion of the 24-hour
1005 period of such day.

1006 (3) Any guest who remains or attempts to remain in any such
1007 establishment after being requested to leave commits ~~is guilty~~
1008 ~~of~~ a misdemeanor of the second degree, punishable as provided in
1009 s. 775.082 or s. 775.083.

1010 (4) If any person is illegally on the premises of any
1011 public lodging establishment, vacation rental, or public food
1012 service establishment, the operator of such establishment may
1013 call upon any law enforcement officer of this state for
1014 assistance. It is the duty of such law enforcement officer, upon
1015 the request of such operator, to place under arrest and take

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1016 into custody for violation of this section any guest who
1017 violates subsection (3) in the presence of the officer. If a
1018 warrant has been issued by the proper judicial officer for the
1019 arrest of any violator of subsection (3), the officer shall
1020 serve the warrant, arrest the person, and take the person into
1021 custody. Upon arrest, with or without warrant, the guest will be
1022 deemed to have given up any right to occupancy or to have
1023 abandoned such right of occupancy of the premises, and the
1024 operator of the establishment may then make such premises
1025 available to other guests. However, the operator of the
1026 establishment shall employ all reasonable and proper means to
1027 care for any personal property which may be left on the premises
1028 by such guest and shall refund any unused portion of moneys paid
1029 by such guest for the occupancy of such premises.

1030 Section 25. Section 509.142, Florida Statutes, is amended
1031 to read:

1032 509.142 Conduct on premises; refusal of service.—The
1033 operator of a public lodging establishment, vacation rental, or
1034 public food service establishment may refuse accommodations or
1035 service to any person whose conduct on the premises of the
1036 establishment displays intoxication, profanity, lewdness, or
1037 brawling; who indulges in language or conduct such as to disturb
1038 the peace or comfort of other guests; who engages in illegal or
1039 disorderly conduct; who illegally possesses or deals in
1040 controlled substances as defined in chapter 893; or whose
1041 conduct constitutes a nuisance. Such refusal may not be based
1042 upon race, creed, color, sex, physical disability, or national
1043 origin.

1044 Section 26. Section 509.144, Florida Statutes, is amended

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1045 to read:

1046 509.144 Prohibited handbill distribution in a public
1047 lodging establishment or vacation rental; penalties.-

1048 (1) As used in this section, the term:

1049 (a) "Handbill" means a flier, leaflet, pamphlet, or other
1050 written material that advertises, promotes, or informs persons
1051 about a person, business, company, or food service establishment
1052 but does not include employee communications permissible under
1053 the National Labor Relations Act, other communications protected
1054 by the First Amendment to the United States Constitution, or
1055 communications about public health, safety, or welfare
1056 distributed by a federal, state, or local governmental entity or
1057 a public or private utility.

1058 (b) "Without permission" means without the expressed
1059 written permission of the owner, manager, or agent of the owner
1060 or manager of the public lodging establishment or vacation
1061 rental where a sign is posted prohibiting advertising or
1062 solicitation in the manner provided in subsection (5).

1063 (c) "At or in a public lodging establishment or vacation
1064 rental" means any property under the sole ownership or control
1065 of a public lodging establishment or vacation rental.

1066 (2) Any person, agent, contractor, or volunteer who is
1067 acting on behalf of a person, business, company, or food service
1068 establishment and who, without permission, delivers,
1069 distributes, or places, or attempts to deliver, distribute, or
1070 place, a handbill at or in a public lodging establishment or
1071 vacation rental commits a misdemeanor of the first degree,
1072 punishable as provided in s. 775.082 or s. 775.083.

1073 (3) Any person who, without permission, directs another

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1074 person to deliver, distribute, or place, or attempts to deliver,
1075 distribute, or place, a handbill at or in a public lodging
1076 establishment or vacation rental commits a misdemeanor of the
1077 first degree, punishable as provided in s. 775.082 or s.
1078 775.083. Any person sentenced under this subsection shall be
1079 ordered to pay a minimum fine of \$500 in addition to any other
1080 penalty imposed by the court.

1081 (4) In addition to any penalty imposed by the court, a
1082 person who violates subsection (2) or subsection (3) must:

1083 (a) ~~Shall~~ Pay a minimum fine of \$2,000 for a second
1084 violation.

1085 (b) ~~Shall~~ Pay a minimum fine of \$3,000 for a third or
1086 subsequent violation.

1087 (5) For purposes of this section, a public lodging
1088 establishment or vacation rental that intends to prohibit
1089 advertising or solicitation, as described in this section, at or
1090 in such establishment must comply with the following
1091 requirements when posting a sign prohibiting such solicitation
1092 or advertising:

1093 (a) There must appear prominently on any sign referred to
1094 in this subsection, in letters of not less than 2 inches in
1095 height, the terms "no advertising" or "no solicitation" or terms
1096 that indicate the same meaning.

1097 (b) The sign must be posted conspicuously.

1098 (c) If the main office of a ~~the~~ public lodging
1099 establishment is immediately accessible by entering the office
1100 through a door from a street, parking lot, grounds, or other
1101 area outside such establishment, the sign must be placed on a
1102 part of the main office, such as a door or window, and the sign

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1103 must face the street, parking lot, grounds, or other area
1104 outside such establishment.

1105 (d) If the main office of a ~~the~~ public lodging
1106 establishment is not immediately accessible by entering the
1107 office through a door from a street, parking lot, grounds, or
1108 other area outside such establishment, the sign must be placed
1109 in the immediate vicinity of the main entrance to such
1110 establishment, and the sign must face the street, parking lot,
1111 grounds, or other area outside such establishment.

1112 (6) Any personal property, including, but not limited to,
1113 any vehicle, item, object, tool, device, weapon, machine, money,
1114 security, book, or record, that is used or attempted to be used
1115 as an instrumentality in the commission of, or in aiding and
1116 abetting in the commission of, a person's third or subsequent
1117 violation of this section, whether or not comprising an element
1118 of the offense, is subject to seizure and forfeiture under the
1119 Florida Contraband Forfeiture Act.

1120 Section 27. Subsections (1), (2), and (3) of section
1121 509.162, Florida Statutes, are amended to read:

1122 509.162 Theft of personal property; detaining and arrest of
1123 violator; theft by employee.-

1124 (1) Any law enforcement officer or operator of a public
1125 lodging establishment, vacation rental, or public food service
1126 establishment who has probable cause to believe that theft of
1127 personal property belonging to such establishment has been
1128 committed by a person and that the officer or operator can
1129 recover such property or the reasonable value thereof by taking
1130 the person into custody may, for the purpose of attempting to
1131 effect such recovery or for prosecution, take such person into

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1132 custody on the premises and detain such person in a reasonable
1133 manner and for a reasonable period of time. If the operator
1134 takes the person into custody, a law enforcement officer shall
1135 be called to the scene immediately. The taking into custody and
1136 detention by a law enforcement officer or operator of a public
1137 lodging establishment, vacation rental, or public food service
1138 establishment, if done in compliance with this subsection, does
1139 not render such law enforcement officer or operator criminally
1140 or civilly liable for false arrest, false imprisonment, or
1141 unlawful detention.

1142 (2) Any law enforcement officer may arrest, either on or
1143 off the premises and without warrant, any person if there is
1144 probable cause to believe that person has committed theft in a
1145 public lodging establishment, vacation rental, or ~~in a~~ public
1146 food service establishment.

1147 (3) Any person who resists the reasonable effort of a law
1148 enforcement officer or operator of a public lodging
1149 establishment, vacation rental, or public food service
1150 establishment to recover property which the law enforcement
1151 officer or operator had probable cause to believe had been
1152 stolen from the public lodging establishment, vacation rental,
1153 or public food service establishment, and who is subsequently
1154 found to be guilty of theft of the subject property, is guilty
1155 of a misdemeanor of the first degree, punishable as provided in
1156 s. 775.082 or s. 775.083, unless such person did not know, or
1157 did not have reason to know, that the person seeking to recover
1158 the property was a law enforcement officer or the operator. For
1159 purposes of this section, the charge of theft and the charge of
1160 resisting apprehension may be tried concurrently.

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1161 Section 28. Section 509.191, Florida Statutes, is amended
1162 to read:

1163 509.191 Unclaimed property.—Any property with an
1164 identifiable owner which is left in a public lodging
1165 establishment, vacation rental, or public food service
1166 establishment, other than property belonging to a guest who has
1167 vacated the premises without notice to the operator and with an
1168 outstanding account, which property remains unclaimed after
1169 being held by the establishment for 30 days after written notice
1170 to the guest or owner of the property, shall become the property
1171 of the establishment. Property without an identifiable owner
1172 which is found in a public lodging establishment, vacation
1173 rental, or public food service establishment is subject to the
1174 provisions of chapter 705.

1175 Section 29. Section 509.2015, Florida Statutes, is amended
1176 to read:

1177 509.2015 Telephone surcharges by public lodging
1178 establishments and vacation rentals.—

1179 (1) A public lodging establishment or vacation rental that
1180 ~~which~~ imposes a surcharge for any telephone call must post
1181 notice of such surcharge in a conspicuous place located by each
1182 telephone from which a call which is subject to a surcharge may
1183 originate. Such notice must be plainly visible and printed on a
1184 sign that is not less than 3 inches by 5 inches in size, and
1185 such notice shall clearly state if the surcharge applies whether
1186 or not the telephone call has been attempted or completed.

1187 (2) The division may, pursuant to s. 509.261 or s. 509.606,
1188 suspend or revoke the license of, or impose a fine against, any
1189 public lodging establishment or vacation rental that violates

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1190 subsection (1).

1191 Section 30. Subsections (1), (2), and (3) of section
1192 509.211, Florida Statutes, are amended to read:

1193 509.211 Safety regulations.—

1194 (1) Each bedroom or apartment in each public lodging
1195 establishment or vacation rental must ~~shall~~ be equipped with an
1196 approved locking device on each door opening to the outside, to
1197 an adjoining room or apartment, or to a hallway.

1198 (2) (a) It is unlawful for any person to use within any
1199 public lodging establishment, vacation rental, or public food
1200 service establishment any fuel-burning wick-type equipment for
1201 space heating unless such equipment is vented so as to prevent
1202 the accumulation of toxic or injurious gases or liquids.

1203 (b) Any person who violates ~~the provisions of~~ paragraph (a)
1204 commits a misdemeanor of the second degree, punishable as
1205 provided in s. 775.082 or s. 775.083.

1206 (3) Each public lodging establishment or vacation rental
1207 that is three or more stories in height must have safe and
1208 secure railings on all balconies, platforms, and stairways, and
1209 all such railings must be properly maintained and repaired. The
1210 division may impose administrative sanctions for violations of
1211 this subsection pursuant to s. 509.261.

1212 Section 31. Section 509.2112, Florida Statutes, is amended
1213 to read:

1214 509.2112 Public lodging establishments and vacation rentals
1215 three stories or more in height; inspection rules.—The Division
1216 of Hotels and Restaurants of the Department of Business and
1217 Professional Regulation is directed to provide rules to require
1218 that:

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1219 (1) Every public lodging establishment or vacation rental
1220 that is three stories or more in height in the state file a
1221 certificate stating that any and all balconies, platforms,
1222 stairways, and railways have been inspected by a person
1223 competent to conduct such inspections and are safe, secure, and
1224 free of defects.

1225 (2) The information required under subsection (1) be filed
1226 commencing January 1, 1991, and every 3 years thereafter, with
1227 the Division of Hotels and Restaurants and the applicable county
1228 or municipal authority responsible for building and zoning
1229 permits.

1230 (3) If a public lodging establishment or vacation rental
1231 that is three or more stories in height fails to file the
1232 information required in subsection (1), the Division of Hotels
1233 and Restaurants shall impose administrative sanctions pursuant
1234 to s. 509.261.

1235 Section 32. Subsections (2) and (3), paragraph (a) of
1236 subsection (4), and subsection (6) of section 509.215, Florida
1237 Statutes, are amended to read:

1238 509.215 Firesafety.—

1239 (2) Any public lodging establishment or vacation rental, as
1240 defined in this chapter, which is of three stories or more and
1241 for which the construction contract was let before October 1,
1242 1983, shall be equipped with:

1243 (a) A system which complies with subsection (1); or

1244 (b) An approved sprinkler system for all interior
1245 corridors, public areas, storage rooms, closets, kitchen areas,
1246 and laundry rooms, less individual guest rooms, if the following
1247 conditions are met:

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- 1248 1. There is a minimum 1-hour separation between each guest
1249 room and between each guest room and a corridor.
- 1250 2. The building is constructed of noncombustible materials.
- 1251 3. The egress conditions meet the requirements of s. 5-3 of
1252 the Life Safety Code, NFPA 101.
- 1253 4. The building has a complete automatic fire detection
1254 system which meets the requirements of NFPA-72A and NFPA-72E,
1255 including smoke detectors in each guest room individually
1256 annunciating to a panel at a supervised location.
- 1257 (3) Notwithstanding any other provision of law to the
1258 contrary, this section applies only to those public lodging
1259 establishments and vacation rentals in a building wherein more
1260 than 50 percent of the units in the building are advertised or
1261 held out to the public as available for transient occupancy.
- 1262 (4) (a) Special exception to the provisions of this section
1263 shall be made for a public lodging establishment or vacation
1264 rental structure that is individually listed in the National
1265 Register of Historic Places pursuant to the National Historic
1266 Preservation Act of 1966, as amended; or is a contributing
1267 property to a National Register-listed district; or is
1268 designated as a historic property, or as a contributing property
1269 to a historic district under the terms of a local preservation
1270 ordinance.
- 1271 (6) Specialized smoke detectors for the deaf and hearing
1272 impaired shall be available upon request by guests in public
1273 lodging establishments or vacation rentals at a rate of at least
1274 one such smoke detector per 50 dwelling units or portions
1275 thereof, not to exceed five such smoke detectors per public
1276 lodging facility.

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1277 Section 33. Paragraph (a) of subsection (1), paragraph (b)
1278 of subsection (2), subsection (4), and subsection (9) of section
1279 509.221, Florida Statutes, are amended to read:

1280 509.221 Sanitary regulations.—

1281 (1) (a) Each public lodging establishment and vacation
1282 rental shall be supplied with potable water and shall provide
1283 adequate sanitary facilities for the accommodation of its
1284 employees and guests. Such facilities may include, but are not
1285 limited to, showers, handwash basins, toilets, and bidets. Such
1286 sanitary facilities shall be connected to approved plumbing.
1287 Such plumbing shall be sized, installed, and maintained in
1288 accordance with the Florida Building Code as approved by the
1289 local building authority. Wastewater or sewage shall be properly
1290 treated onsite or discharged into an approved sewage collection
1291 and treatment system.

1292 (2) (b) Within a theme park or entertainment complex as
1293 defined in s. 509.013 ~~s. 509.013(9)~~, the bathrooms are not
1294 required to be in the same building as the public food service
1295 establishment, so long as they are reasonably accessible.

1296 (4) Each bedroom in a public lodging establishment and
1297 vacation rental shall have an opening to the outside of the
1298 building, air shafts, or courts sufficient to provide adequate
1299 ventilation. Where ventilation is provided mechanically, the
1300 system shall be capable of providing at least two air changes
1301 per hour in all areas served. Where ventilation is provided by
1302 windows, each room shall have at least one window opening
1303 directly to the outside.

1304 (9) Subsections (2), (5), and (6) do not apply to any
1305 facility or unit classified as a ~~vacation rental~~, nontransient

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1306 apartment, or timeshare project as described in s. 509.242(1)(c)
1307 and (f) s. 509.242(1)(e), (d), and (g).

1308 Section 34. Subsection (2) of section 509.241, Florida
1309 Statutes, is amended to read:

1310 509.241 Licenses required; exceptions.—

1311 (2) APPLICATION FOR LICENSE.—Each person who plans to open
1312 a public lodging establishment or a public food service
1313 establishment shall apply for and receive a license from the
1314 division before ~~prior to~~ the commencement of operation. A
1315 condominium association, as defined in s. 718.103, which does
1316 not own any units classified as a timeshare project ~~vacation~~
1317 ~~rentals or timeshare projects~~ under s. 509.242(1)(f) or as a
1318 vacation rental ~~s. 509.242(1)(e) or (g)~~ is not required to apply
1319 for or receive a public lodging establishment license.

1320 Section 35. Subsection (1) of section 509.242, Florida
1321 Statutes, is amended to read:

1322 509.242 Public lodging establishments; classifications.—

1323 (1) A public lodging establishment is ~~shall be~~ classified
1324 as a hotel, motel, nontransient apartment, transient apartment,
1325 bed and breakfast inn, or timeshare project, ~~or vacation rental~~
1326 if the establishment satisfies the following criteria:

1327 (a) *Hotel*.—A hotel is any public lodging establishment
1328 containing sleeping room accommodations for 25 or more guests
1329 and providing the services generally provided by a hotel and
1330 recognized as a hotel in the community in which it is situated
1331 or by the industry.

1332 (b) *Motel*.—A motel is any public lodging establishment
1333 which offers rental units with an exit to the outside of each
1334 rental unit, daily or weekly rates, offstreet parking for each

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1335 unit, a central office on the property with specified hours of
1336 operation, a bathroom or connecting bathroom for each rental
1337 unit, and at least six rental units, and which is recognized as
1338 a motel in the community in which it is situated or by the
1339 industry.

1340 ~~(c) *Vacation rental.*—A vacation rental is any unit or group~~
1341 ~~of units in a condominium or cooperative or any individually or~~
1342 ~~collectively owned single family, two family, three family, or~~
1343 ~~four family house or dwelling unit that is also a transient~~
1344 ~~public lodging establishment but that is not a timeshare~~
1345 ~~project.~~

1346 ~~(d) *Nontransient apartment.*—A nontransient apartment is a~~
1347 ~~building or complex of buildings in which 75 percent or more of~~
1348 ~~the units are available for rent to nontransient tenants.~~

1349 ~~(d)(e) *Transient apartment.*—A transient apartment is a~~
1350 ~~building or complex of buildings in which more than 25 percent~~
1351 ~~of the units are advertised or held out to the public as~~
1352 ~~available for transient occupancy.~~

1353 ~~(e)(f) *Bed and breakfast inn.*—A bed and breakfast inn is a~~
1354 ~~family home structure, with no more than 15 sleeping rooms,~~
1355 ~~which has been modified to serve as a transient public lodging~~
1356 ~~establishment, which provides the accommodation and meal~~
1357 ~~services generally offered by a bed and breakfast inn, and which~~
1358 ~~is recognized as a bed and breakfast inn in the community in~~
1359 ~~which it is situated or by the hospitality industry.~~

1360 ~~(f)(g) *Timeshare project.*—A timeshare project is a~~
1361 ~~timeshare property, as defined in chapter 721, that is located~~
1362 ~~in this state and that is also a transient public lodging~~
1363 ~~establishment.~~

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1364 Section 36. Subsection (1) of section 509.251, Florida
1365 Statutes, is amended to read:

1366 509.251 License fees.—

1367 (1) The division shall adopt, by rule, a schedule of fees
1368 to be paid by each public lodging establishment as a
1369 prerequisite to issuance or renewal of a license. Such fees
1370 shall be based on the number of rental units in the
1371 establishment. The aggregate fee per establishment charged any
1372 public lodging establishment may not exceed \$1,000; however, the
1373 fees described in paragraphs (a) and (b) may not be included as
1374 part of the aggregate fee subject to this cap. ~~Vacation rental~~
1375 ~~units or~~ Timeshare projects within separate buildings or at
1376 separate locations but managed by one licensed agent may be
1377 combined in a single license application, and the division shall
1378 charge a license fee as if all units in the application are in a
1379 single licensed establishment. The fee schedule shall require an
1380 establishment which applies for an initial license to pay the
1381 full license fee if application is made during the annual
1382 renewal period or more than 6 months before the next such
1383 renewal period and one-half of the fee if application is made 6
1384 months or less before such period. The fee schedule shall
1385 include fees collected for the purpose of funding the
1386 Hospitality Education Program, pursuant to s. 509.302, which are
1387 payable in full for each application regardless of when the
1388 application is submitted.

1389 (a) Upon making initial application or an application for
1390 change of ownership, the applicant shall pay to the division a
1391 fee as prescribed by rule, not to exceed \$50, in addition to any
1392 other fees required by law, which shall cover all costs

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1393 associated with initiating regulation of the establishment.

1394 (b) A license renewal filed with the division after the
1395 expiration date shall be accompanied by a delinquent fee as
1396 prescribed by rule, not to exceed \$50, in addition to the
1397 renewal fee and any other fees required by law.

1398 Section 37. Subsection (1) of section 509.281, Florida
1399 Statutes, is amended to read:

1400 509.281 Prosecution for violation; duty of state attorney;
1401 penalties.—

1402 (1) The division or an agent of the division, upon
1403 ascertaining by inspection that any public lodging
1404 establishment, vacation rental, or public food service
1405 establishment is being operated contrary to the provisions of
1406 this chapter, shall make complaint and cause the arrest of the
1407 violator, and the state attorney, upon request of the division
1408 or agent, shall prepare all necessary papers and conduct the
1409 prosecution. The division shall proceed in the courts by
1410 mandamus or injunction whenever such proceedings may be
1411 necessary to the proper enforcement of the provisions of this
1412 chapter, of the rules adopted pursuant hereto, or of orders of
1413 the division.

1414 Section 38. Paragraph (a) of subsection (2) of section
1415 509.302, Florida Statutes, is amended to read:

1416 509.302 Hospitality Education Program.—

1417 (2)(a) All public lodging establishments, ~~and all~~ public
1418 food service establishments, and vacation rentals licensed under
1419 this chapter shall pay an annual fee of no more than \$10, which
1420 shall be included in the annual license fee and used for the
1421 sole purpose of funding the Hospitality Education Program.

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1422 Section 39. Section 509.4005, Florida Statutes, is amended
1423 to read:

1424 509.4005 Applicability of ss. 509.401-509.417.—Sections
1425 509.401-509.417 apply only to guests in transient occupancy in a
1426 public lodging establishment or vacation rental.

1427 Section 40. Subsection (1) of section 509.401, Florida
1428 Statutes, is amended to read:

1429 509.401 Operator's right to lockout.—

1430 (1) If, upon a reasonable determination by an operator of a
1431 public lodging establishment or vacation rental, a guest has
1432 accumulated a large outstanding account at such establishment,
1433 the operator may lock the guest out of the guest's rental unit
1434 for the purpose of requiring the guest to confront the operator
1435 and arrange for payment on the account. Such arrangement must be
1436 in writing, and a copy must be furnished to the guest.

1437 Section 41. Section 509.402, Florida Statutes, is amended
1438 to read:

1439 509.402 Operator's right to recover premises.—If the guest
1440 of a public lodging establishment or vacation rental vacates the
1441 premises without notice to the operator and the operator
1442 reasonably believes the guest does not intend to satisfy the
1443 outstanding account, the operator may recover the premises. Upon
1444 recovery of the premises, the operator shall make an itemized
1445 inventory of any property belonging to the guest and store such
1446 property until a settlement or a final court judgment is
1447 obtained on the guest's outstanding account. Such inventory
1448 shall be conducted by the operator and at least one other person
1449 who is not an agent of the operator.

1450 Section 42. Subsections (1) and (2) of section 509.405,

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1451 Florida Statutes, are amended to read:

1452 509.405 Complaint; requirements.—To obtain an order
1453 authorizing the issuance of a writ of distress upon final
1454 judgment, the operator must first file with the clerk of the
1455 court a complaint reciting and showing the following
1456 information:

1457 (1) A statement as to the amount of the guest's account at
1458 the public lodging establishment or vacation rental.

1459 (2) A statement that the plaintiff is the operator of the
1460 public lodging establishment or vacation rental in which the
1461 guest has an outstanding account. If the operator's interest in
1462 such account is based on written documents, a copy of such
1463 documents shall be attached to the complaint.

1464 Section 43. Section 509.409, Florida Statutes, is amended
1465 to read:

1466 509.409 Writ; inventory.—When the officer seizes
1467 distrainable property, either under s. 509.407 or s. 509.408,
1468 and such property is seized on the premises of a public lodging
1469 establishment or vacation rental, the officer shall inventory
1470 the property, hold those items which, upon appraisal, would
1471 appear to satisfy the plaintiff's claim, and return the
1472 remaining items to the defendant. If the defendant cannot be
1473 found, the officer shall hold all items of property. The officer
1474 shall release the property only pursuant to law or a court
1475 order.

1476 Section 44. Subsection (2) of section 509.417, Florida
1477 Statutes, is amended to read:

1478 509.417 Writ; sale of property distrained.—

1479 (2) At the time any property levied on is sold, it must be

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1480 advertised two times, the first advertisement being at least 10
1481 days before the sale. All property so levied on may be sold on
1482 the premises of the public lodging establishment or the vacation
1483 rental or at the courthouse door.

1484 Section 45. Paragraph (b) of subsection (5) of section
1485 553.5041, Florida Statutes, is amended to read:

1486 553.5041 Parking spaces for persons who have disabilities.—

1487 (5) Accessible perpendicular and diagonal accessible
1488 parking spaces and loading zones must be designed and located to
1489 conform to ss. 502 and 503 of the standards.

1490 (b) If there are multiple entrances or multiple retail
1491 stores, the parking spaces must be dispersed to provide parking
1492 at the nearest accessible entrance. If a theme park or an
1493 entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~
1494 provides parking in several lots or areas from which access to
1495 the theme park or entertainment complex is provided, a single
1496 lot or area may be designated for parking by persons who have
1497 disabilities, if the lot or area is located on the shortest
1498 accessible route to an accessible entrance to the theme park or
1499 entertainment complex or to transportation to such an accessible
1500 entrance.

1501 Section 46. Section 717.1355, Florida Statutes, is amended
1502 to read:

1503 717.1355 Theme park and entertainment complex tickets.—This
1504 chapter does not apply to any tickets for admission to a theme
1505 park or entertainment complex as defined in s. 509.013 ~~s.~~
1506 ~~509.013(9)~~, or to any tickets to a permanent exhibition or
1507 recreational activity within such theme park or entertainment
1508 complex.

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1509 Section 47. Subsection (8) of section 877.24, Florida
1510 Statutes, is amended to read:

1511 877.24 Nonapplication of s. 877.22.—Section 877.22 does not
1512 apply to a minor who is:

1513 (8) Attending an organized event held at and sponsored by a
1514 theme park or entertainment complex as defined in s. 509.013 ~~s.~~
1515 ~~509.013(9)~~.

1516 Section 48. This act shall take effect July 1, 2018.