

By Senator Simmons

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1 A bill to be entitled
2 An act relating to vacation rentals; amending s.
3 212.18, F.S.; requiring persons engaged in certain
4 public lodging-related transactions to display a valid
5 certificate of registration number in rental listings
6 or advertisements; specifying penalties for failure to
7 display such certification number and who may collect
8 such penalty; reordering and amending s. 509.013,
9 F.S.; revising definitions and defining terms;
10 amending s. 509.032, F.S.; revising the inspection
11 responsibilities of the Division of Hotels and
12 Restaurants regarding vacation rentals; conforming a
13 cross-reference; revising the preemption of local
14 laws, ordinances, and regulations relating to vacation
15 rentals; amending s. 509.034, F.S.; revising the
16 applicability of specified public lodging provisions;
17 amending s. 509.101, F.S.; making a technical change;
18 amending s. 509.141, F.S.; specifying the point at
19 which a notice to depart a premises is effective;
20 amending s. 509.151, F.S.; making a technical change;
21 amending s. 509.221, F.S.; conforming a cross-
22 reference; making technical changes; specifying the
23 applicability of specified public lodging provisions
24 to commercial vacation rentals; amending s. 509.241,
25 F.S.; authorizing the division to refuse to issue or
26 renew or to suspend or revoke the license of a public
27 lodging establishment subject to a local final order
28 directing the establishment to cease operations;
29 requiring vacation rentals to display certain

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30 information in rental listings and advertisements;
31 amending s. 509.242, F.S.; revising the classification
32 of "vacation rental"; authorizing the division to
33 require by rule that vacation rental applicants and
34 licensees provide certain information; revising the
35 classification of "nontransient apartment"; creating
36 s. 509.243, F.S.; requiring transient public lodging
37 hosting platforms to be registered with the division;
38 prohibiting hosting platforms from making specified
39 transactions regarding unregistered public lodging
40 establishments; specifying registration requirements
41 and the depositing of fees; requiring the division to
42 adopt a schedule of fees; specifying the maximum fee
43 per hosting platform; specifying requirements relating
44 to agents for service of process; authorizing hosting
45 platforms to collect and remit state and local taxes;
46 specifying the records to be maintained by hosting
47 platforms and the transmission of such records;
48 requiring the division to audit such records
49 periodically; authorizing the division to share such
50 records with the Department of Revenue and counties
51 for specified purposes; specifying penalties; amending
52 s. 509.4005, F.S.; revising the applicability of
53 specified public lodging provisions; requiring the
54 Department of Revenue and specified counties to adopt
55 an amnesty program regarding unpaid taxes, penalties,
56 and interest for persons who engage in leasing,
57 renting, letting, or granting licenses to use a
58 vacation rental; specifying the requirements of such

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59 programs; specifying that certain taxes, penalties, or
60 interest assessments are not eligible for such
61 programs; authorizing the Department of Revenue to
62 adopt emergency rules; specifying rule requirements;
63 amending ss. 159.27, 212.08, 316.1955, 404.056,
64 477.0135, 553.5041, 717.1355, and 877.24, F.S.;
65 conforming cross-references; providing effective
66 dates.

67

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

69

70 Section 1. Paragraphs (a), (b), and (c) of subsection (3)
71 of section 212.18, Florida Statutes, are amended to read:

72 212.18 Administration of law; registration of dealers;
73 rules.—

74 (3) (a) A person who desires ~~desiring~~ to engage in or
75 conduct business in this state as a dealer, or to lease, rent,
76 or let or grant licenses in living quarters or sleeping or
77 housekeeping accommodations in hotels, apartment houses,
78 roominghouses, or tourist or trailer camps that are subject to
79 tax under s. 212.03, or to lease, rent, or let or grant licenses
80 in real property, and a person who sells or receives anything of
81 value by way of admissions, must file with the department an
82 application for a certificate of registration for each place of
83 business. The application must include the names of the persons
84 who have interests in such business and their residences, the
85 address of the business, and other data reasonably required by
86 the department. However, owners and operators of vending
87 machines or newspaper rack machines are required to obtain only

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88 one certificate of registration for each county in which such
89 machines are located. The department, by rule, may authorize a
90 dealer that uses independent sellers to sell its merchandise to
91 remit tax on the retail sales price charged to the ultimate
92 consumer in lieu of having the independent seller register as a
93 dealer and remit the tax. The department may appoint the county
94 tax collector as the department's agent to accept applications
95 for registrations. The application must be submitted to the
96 department before the person, firm, copartnership, or
97 corporation may engage in such business.

98 (b) 1. ~~The department,~~ Upon receipt of such application, the
99 department shall grant to the applicant a separate certificate
100 of registration for each place of business, which may be
101 canceled by the department or its designated assistants for any
102 failure by the certificateholder to comply with this chapter.
103 The certificate is not assignable and is valid only for the
104 person, firm, copartnership, or corporation to which it is
105 issued. The certificate must be placed in a conspicuous place in
106 the business or businesses for which it is issued and must be
107 displayed at all times. Except as provided in this subsection, a
108 person may not engage in business as a dealer or in leasing,
109 renting, ~~or~~ letting, ~~or~~ or granting a license ~~licenses~~ to use ~~in~~
110 living quarters or sleeping or housekeeping accommodations in
111 hotels, apartment houses, roominghouses, tourist or trailer
112 camps, or real property, or sell or receive anything of value by
113 way of admissions, without a valid certificate. A person may not
114 receive a license from any authority within the state to engage
115 in any such business without a valid certificate. A person may
116 not engage in the business of selling or leasing tangible

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117 personal property or services as a dealer; engage in leasing,
118 renting, ~~or~~ letting, ~~or~~ or granting a license to use licenses in
119 living quarters or sleeping or housekeeping accommodations in
120 hotels, apartment houses, roominghouses, or tourist or trailer
121 camps that are taxable under this chapter, or real property; or
122 engage in the business of selling or receiving anything of value
123 by way of admissions without a valid certificate.

124 2. A person engaged in leasing, renting, letting, or
125 granting a license to use a transient public lodging
126 establishment, as defined in s. 509.013, must display the
127 person's valid certificate of registration number in any rental
128 listing or advertisement for such property.

129 (c)1.a. A person who engages in acts requiring a
130 certificate of registration under this subsection and who fails
131 or refuses to register commits a misdemeanor of the first
132 degree, punishable as provided in s. 775.082 or s. 775.083. Such
133 acts are subject to injunctive proceedings as provided by law. A
134 person who engages in acts requiring a certificate of
135 registration and who fails or refuses to register is also
136 subject to a \$100 registration fee. However, the department may
137 waive the registration fee if it finds that the failure to
138 register was due to reasonable cause and not to willful
139 negligence, willful neglect, or fraud.

140 b. A person who fails to display a valid certificate of
141 registration number as required under subparagraph (b)2. and who
142 has not previously been found to be in violation of that
143 subparagraph is subject to a civil penalty of \$50 per day until
144 the person is in compliance. The penalty shall be collected by
145 the department.

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146 c. A person who fails to display a valid certificate of
147 registration number as required under subparagraph (b)2. and who
148 has previously been found to be in violation of that
149 subparagraph is subject to a civil penalty of \$100 per day until
150 the person is in compliance. The penalty shall be collected by
151 the department.

152 2.a. A person who willfully fails to register after the
153 department provides notice of the duty to register as a dealer
154 commits a felony of the third degree, punishable as provided in
155 s. 775.082, s. 775.083, or s. 775.084.

156 b. The department shall provide written notice of the duty
157 to register to the person by personal service or by sending
158 notice by registered mail to the person's last known address.
159 The department may provide written notice by both methods
160 described in this sub-subparagraph.

161 Section 2. Section 509.013, Florida Statutes, is reordered
162 and amended to read:

163 509.013 Definitions.—As used in this chapter, the term:

164 (1) "Commercial vacation rental" means a vacation rental,
165 as specified in s. 509.242(1)(c), which:

166 (a) Is managed by one licensed agent under a single
167 license, pursuant to s. 509.251(1), for five or more vacation
168 rental units; or

169 (b) Is part of five or more vacation rental units under
170 common ownership, control, or management, either directly or
171 indirectly.

172 (3)~~(1)~~ "Division" means the Division of Hotels and
173 Restaurants of the Department of Business and Professional
174 Regulation.

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175 (5) "Hosting platform" means a person who advertises the
176 rental of transient public lodging establishments located in
177 this state and who receives compensation in connection with
178 facilitating a guest's reservation or with collecting payment
179 for such reservation or rental made through any online-enabled
180 application, software, website, or system.

181 ~~(7)(2)~~ "Operator" means the owner, licensee, proprietor,
182 lessee, manager, assistant manager, or appointed agent of a
183 public lodging establishment or public food service
184 establishment.

185 ~~(4)(3)~~ "Guest" means any patron, customer, tenant, lodger,
186 boarder, or occupant of a public lodging establishment or public
187 food service establishment.

188 ~~(9)(4)~~(a) "Public lodging establishment" includes a
189 transient public lodging establishment as defined in
190 subparagraph 1. and a nontransient public lodging establishment
191 as defined in subparagraph 2.

192 1. "Transient public lodging establishment" means the whole
193 or any part of a ~~any~~ unit, group of units, dwelling, building,
194 or group of buildings within a single complex of buildings which
195 is rented to guests more than three times in a calendar year for
196 periods of less than 30 days or 1 calendar month, whichever is
197 less, or which is advertised or held out to the public as a
198 place regularly rented to guests.

199 2. "Nontransient public lodging establishment" means the
200 whole or any part of a ~~any~~ unit, group of units, dwelling,
201 building, or group of buildings within a single complex of
202 buildings which is rented to guests for periods of at least 30
203 days or 1 calendar month, whichever is less, or which is

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204 advertised or held out to the public as a place regularly rented
205 to guests for periods of at least 30 days or 1 calendar month.
206

207 License classifications of public lodging establishments, and
208 the definitions therefor, are set out in s. 509.242. For the
209 purpose of licensure, the term does not include condominium
210 common elements as defined in s. 718.103.

211 (b) The following are excluded from the definitions in
212 paragraph (a):

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

216 2. Any facility certified or licensed and regulated by the
217 Agency for Health Care Administration or the Department of
218 Children and Families or other similar place regulated under s.
219 381.0072.

220 3. Any place renting four rental units or less, unless the
221 rental units are advertised or held out to the public to be
222 places that are regularly rented to transients. For the purposes
223 of this subparagraph, if a rental unit, in whole or in part, is
224 advertised to guests for transient occupancy via a hosting
225 platform, it shall be deemed "regularly rented to transients."

226 4. Any unit or group of units in a condominium,
227 cooperative, or timeshare plan and any individually or
228 collectively owned one-family, two-family, three-family, or
229 four-family dwelling house or dwelling unit that is rented for
230 periods of at least 30 days or 1 calendar month, whichever is
231 less, and that is not advertised or held out to the public as a
232 place regularly rented for periods of less than 1 calendar

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233 month, provided that no more than four rental units within a
234 single complex of buildings are available for rent. For purposes
235 of this subparagraph, if a rental unit, in whole or in part, is
236 advertised to guests for transient occupancy via a hosting
237 platform, it shall be deemed "regularly rented for periods of
238 less than 1 calendar month."

239 5. Any migrant labor camp or residential migrant housing
240 permitted by the Department of Health under ss. 381.008-
241 381.00895.

242 6. Any establishment inspected by the Department of Health
243 and regulated by chapter 513.

244 7. Any nonprofit organization that operates a facility
245 providing housing only to patients, patients' families, and
246 patients' caregivers and not to the general public.

247 8. Any apartment building inspected by the United States
248 Department of Housing and Urban Development or other entity
249 acting on the department's behalf that is designated primarily
250 as housing for persons at least 62 years of age. The division
251 may require the operator of the apartment building to attest in
252 writing that such building meets the criteria provided in this
253 subparagraph. The division may adopt rules to implement this
254 requirement.

255 9. Any roominghouse, boardinghouse, or other living or
256 sleeping facility that may not be classified as a hotel, motel,
257 timeshare project, vacation rental, nontransient apartment, bed
258 and breakfast inn, or transient apartment under s. 509.242.

259 (8)~~(5)~~(a) "Public food service establishment" means any
260 building, vehicle, place, or structure, or any room or division
261 in a building, vehicle, place, or structure where food is

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262 prepared, served, or sold for immediate consumption on or in the
263 vicinity of the premises; called for or taken out by customers;
264 or prepared before ~~prior to~~ being delivered to another location
265 for consumption. The term includes a culinary education program,
266 as defined in s. 381.0072(2), which offers, prepares, serves, or
267 sells food to the general public, regardless of whether it is
268 inspected by another state agency for compliance with sanitation
269 standards.

270 (b) The following are excluded from the definition in
271 paragraph (a):

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

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

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

277 2. Any eating place maintained and operated by a church or
278 a religious, nonprofit fraternal, or nonprofit civic
279 organization:

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

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

283

284 Upon request by the division, a church or a religious, nonprofit
285 fraternal, or nonprofit civic organization claiming an exclusion
286 under this subparagraph must provide the division documentation
287 of its status as a church or a religious, nonprofit fraternal,
288 or nonprofit civic organization.

289 3. Any eating place maintained and operated by an
290 individual or entity at a food contest, cook-off, or a temporary

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291 event lasting from 1 to 3 days which is hosted by a church or a
292 religious, nonprofit fraternal, or nonprofit civic organization.
293 Upon request by the division, the event host must provide the
294 division documentation of its status as a church or a religious,
295 nonprofit fraternal, or nonprofit civic organization.

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

298 5. Any eating place maintained by a facility certified or
299 licensed and regulated by the Agency for Health Care
300 Administration or the Department of Children and Families or
301 other similar place that is regulated under s. 381.0072.

302 6. Any place of business issued a permit or inspected by
303 the Department of Agriculture and Consumer Services under s.
304 500.12.

305 7. Any place of business where the food available for
306 consumption is limited to ice, beverages with or without
307 garnishment, popcorn, or prepackaged items sold without
308 additions or preparation.

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

312 9. Any vending machine that dispenses any food or beverages
313 other than potentially hazardous foods, as defined by division
314 rule.

315 10. Any vending machine that dispenses potentially
316 hazardous food and which is located in a facility regulated
317 under s. 381.0072.

318 11. Any research and development test kitchen limited to
319 the use of employees and which is not open to the general

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320 public.

321 ~~(2)(6)~~ "Director" means the Director of the Division of
322 Hotels and Restaurants of the Department of Business and
323 Professional Regulation.

324 ~~(10)(7)~~ "Single complex of buildings" means all buildings
325 or structures that are owned, managed, controlled, or operated
326 under one business name and are situated on the same tract or
327 plot of land that is not separated by a public street or
328 highway.

329 ~~(11)(8)~~ "Temporary food service event" means any event of
330 30 days or less in duration where food is prepared, served, or
331 sold to the general public.

332 ~~(12)(9)~~ "Theme park" or "entertainment complex" means a
333 complex consisting ~~comprised~~ of at least 25 contiguous acres
334 owned and controlled by the same business entity and which
335 contains permanent exhibitions and a variety of recreational
336 activities and has a minimum of 1 million visitors annually.

337 ~~(13)(10)~~ "Third-party provider" means, for purposes of s.
338 509.049, any provider of an approved food safety training
339 program that provides training or such a training program to a
340 public food service establishment that is not under common
341 ownership or control with the provider.

342 ~~(11) "Transient establishment" means any public lodging~~
343 ~~establishment that is rented or leased to guests by an operator~~
344 ~~whose intention is that such guests' occupancy will be~~
345 ~~temporary.~~

346 ~~(14)(12)~~ "Transient occupancy" means any occupancy in which
347 ~~when it is the intention of the parties that the operator~~
348 prohibits the guest from using the occupied lodging as the

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349 guest's sole residence, as stated in the written rental
350 agreement occupancy will be temporary. If the written rental
351 agreement does not contain such a provision or no written rental
352 agreement exists, there is a rebuttable presumption that, when
353 the occupied lodging dwelling unit occupied is not the sole
354 residence of the guest, the occupancy is transient.

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

356 ~~(14) "Nontransient establishment" means any public lodging~~
357 ~~establishment that is rented or leased to guests by an operator~~
358 ~~whose intention is that the dwelling unit occupied will be the~~
359 ~~sole residence of the guest.~~

360 (6) (15) "Nontransient occupancy" means any occupancy in
361 which when it is the intention of the parties that such the
362 occupancy will not be temporary. If a written rental agreement
363 between the parties states that the operator permits the guest
364 to use the occupied lodging as the guest's sole residence and if
365 such agreement is for a term greater than 30 days, there is a
366 rebuttable presumption that the occupancy is nontransient. If
367 the written rental agreement does not contain such provisions,
368 or no written rental agreement exists, there is a rebuttable
369 presumption that, when the occupied lodging dwelling unit
370 ~~occupied~~ is the sole residence of the guest, the occupancy is
371 nontransient.

372 ~~(16) "Nontransient" means a guest in nontransient~~
373 ~~occupancy.~~

374 Section 3. Paragraph (a) of subsection (2) and paragraph
375 (c) of subsection (3) of section 509.032, Florida Statutes, are
376 amended to read:

377 509.032 Duties.-

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(2) INSPECTION OF PREMISES.—

(a) The division has jurisdiction and is responsible for all inspections required by this chapter. The division is responsible for quality assurance. Beyond the specific inspection frequencies provided for in this paragraph, each establishment licensed by the division shall be inspected at such other times as the division determines is necessary to ensure the public health, safety, and welfare.

1. The division shall inspect each licensed public lodging establishment, including commercial vacation rentals, at least biannually, except for transient and nontransient apartments, which shall be inspected at least annually. ~~Each establishment licensed by the division shall be inspected at such other times as the division determines is necessary to ensure the public's health, safety, and welfare. The division shall adopt by rule a risk-based inspection frequency for each licensed public food service establishment. The rule must require at least one, but not more than four, routine inspections that must be performed annually, and may include guidelines that consider the inspection and compliance history of a public food service establishment, the type of food and food preparation, and the type of service. The division shall reassess the inspection frequency of all licensed public food service establishments at least annually.~~ Public lodging units classified as vacation rentals or timeshare projects, except commercial vacation rentals, are not subject to this requirement but must ~~shall~~ be made available to the division upon request. If, during the inspection of a public lodging establishment ~~classified for renting to transient or nontransient tenants,~~ an inspector

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407 identifies vulnerable adults who appear to be victims of
408 neglect, as defined in s. 415.102, or, in the case of a building
409 that is not equipped with automatic sprinkler systems, tenants
410 or clients who may be unable to self-preserve in an emergency,
411 the division shall convene meetings with the following agencies
412 as appropriate to the individual situation: the Department of
413 Health, the Department of Elderly Affairs, the area agency on
414 aging, the local fire marshal, the landlord and affected tenants
415 and clients, and other relevant organizations, to develop a plan
416 that improves the prospects for safety of affected residents
417 and, if necessary, identifies alternative living arrangements
418 such as facilities licensed under part II of chapter 400 or
419 under chapter 429.

420 2. The division shall adopt by rule a risk-based inspection
421 frequency for each licensed public food service establishment.
422 The rule must require at least one, but not more than four,
423 routine inspections that must be performed annually, and may
424 include guidelines that consider the inspection and compliance
425 history of a public food service establishment, the type of food
426 and food preparation, and the type of service. The division
427 shall reassess the inspection frequency of all licensed public
428 food service establishments at least annually.

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

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

434 1. Sponsors of temporary food service events shall notify
435 the division not less than 3 days before the scheduled event of

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436 the type of food service proposed, the time and location of the
437 event, a complete list of food service vendors participating in
438 the event, the number of individual food service facilities each
439 vendor will operate at the event, and the identification number
440 of each food service vendor's current license as a public food
441 service establishment or temporary food service event licensee.
442 Notification may be completed orally, by telephone, in person,
443 or in writing. A public food service establishment or food
444 service vendor may not use this notification process to
445 circumvent the license requirements of this chapter.

446 2. The division shall keep a record of all notifications
447 received for proposed temporary food service events and shall
448 provide appropriate educational materials to the event sponsors
449 and notify the event sponsors of the availability of the food-
450 recovery brochure developed under s. 595.420.

451 3.a. Unless excluded under s. 509.013(8)(b) ~~s.~~
452 ~~509.013(5)(b)~~, a public food service establishment or other food
453 service vendor must obtain one of the following classes of
454 license from the division: an individual license, for a fee of
455 no more than \$105, for each temporary food service event in
456 which it participates; or an annual license, for a fee of no
457 more than \$1,000, that entitles the licensee to participate in
458 an unlimited number of food service events during the license
459 period. The division shall establish license fees, by rule, and
460 may limit the number of food service facilities a licensee may
461 operate at a particular temporary food service event under a
462 single license.

463 b. Public food service establishments holding current
464 licenses from the division may operate under the regulations of

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465 such a license at temporary food service events.

466 Section 4. Effective upon this act becoming a law,
467 paragraph (b) of subsection (7) of section 509.032, Florida
468 Statutes, is amended to read:

469 509.032 Duties.—

470 (7) PREEMPTION AUTHORITY.—

471 (b)1. A local law, ordinance, or regulation may not
472 prohibit vacation rentals or regulate the duration or frequency
473 of rental of vacation rentals. However, a local government may
474 regulate activities:

475 a. That arise when a property is used as a vacation rental,
476 provided such regulation applies uniformly to all residential
477 properties without regard to whether the property is used as a
478 vacation rental as defined in s. 509.242 or long-term rental
479 subject to part II of chapter 83 or whether a property owner
480 chooses not to rent the property.

481 b. In single-family residences in which the owner does not
482 personally occupy at least a portion of the residence where
483 vacation rental activities are occurring.

484 2. A vacation rental owner shall submit to the local
485 jurisdiction a copy of the vacation rental license required
486 under chapter 509, a copy of the certificate of registration
487 required under s. 212.18, and the owner's emergency contact
488 information. The submission of such documents and information is
489 for informational purposes only. The local jurisdiction may not
490 assess a fee for the submission.

491 3. This paragraph does not apply to any local law,
492 ordinance, or regulation adopted on or before June 1, 2011,
493 including when such law, ordinance, or regulation is being

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494 amended to be less restrictive.

495 Section 5. Section 509.034, Florida Statutes, is amended to
496 read:

497 509.034 Application.—Sections 509.141-509.162 and 509.401-
498 509.417 apply only to guests in transient occupancy in a
499 licensed public lodging establishment ~~transients only~~. This
500 chapter may not be used to circumvent the procedural
501 requirements of the Florida Residential Landlord and Tenant Act.

502 Section 6. Subsection (2) of section 509.101, Florida
503 Statutes, is amended to read:

504 509.101 Establishment rules; posting of notice; food
505 service inspection report; maintenance of guest register; mobile
506 food dispensing vehicle registry.—

507 (2) It is the duty of each operator of a transient public
508 lodging establishment to maintain at all times a register,
509 signed by or for guests who occupy rental units within the
510 establishment, showing the dates upon which the rental units
511 were occupied by such guests and the rates charged for their
512 occupancy. This register shall be maintained in chronological
513 order and available for inspection by the division at any time.
514 Operators need not make available registers which are more than
515 2 years old.

516 Section 7. Subsections (2), (3), and (4) of section
517 509.141, Florida Statutes, are amended to read:

518 509.141 Refusal of admission and ejection of undesirable
519 guests; notice; procedure; penalties for refusal to leave.—

520 (2) The operator of any public lodging establishment or
521 public food service establishment shall notify such guest that
522 the establishment no longer desires to entertain the guest and

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523 shall request that such guest immediately depart from the
524 establishment. Such notice may be given orally or in writing.
525 The notice shall be effective upon the operator's delivery of
526 the notice, whether in person, via a telephonic or electronic
527 communications medium using the contact information provided by
528 the guest, or, with respect to a public lodging establishment,
529 upon delivery to the guest's lodging unit. If the notice is in
530 writing, it shall be as follows:

531
532 "You are hereby notified that this establishment no longer
533 desires to entertain you as its guest, and you are requested to
534 leave at once. To remain after receipt of this notice is a
535 misdemeanor under the laws of this state."

536
537 If such guest has paid in advance, the establishment shall, at
538 the time such notice is given, tender to such guest the unused
539 portion of the advance payment; however, the establishment may
540 withhold payment for each full day that the guest has been
541 entertained at the establishment for any portion of the 24-hour
542 period of such day.

543 (3) Any guest who remains or attempts to remain in any such
544 establishment after the operator's request to depart pursuant to
545 subsection (2) ~~being requested to leave~~ is guilty of a
546 misdemeanor of the second degree, punishable as provided in s.
547 775.082 or s. 775.083.

548 (4) If any guest ~~person is~~ illegally remains on the
549 premises of any public lodging establishment or public food
550 service establishment after the operator's request to depart
551 pursuant to subsection (2), the operator of such establishment

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552 may call upon any law enforcement officer of this state for
553 assistance. It is the duty of such law enforcement officer, upon
554 the request of such operator, to place under arrest and take
555 into custody for violation of this section any guest who
556 violates subsection (3) in the presence of the officer. If a
557 warrant has been issued by the proper judicial officer for the
558 arrest of any violator of subsection (3), the officer shall
559 serve the warrant, arrest the person, and take the person into
560 custody. Upon arrest, with or without warrant, the guest will be
561 deemed to have given up any right to occupancy or to have
562 abandoned such right of occupancy of the premises, and the
563 operator of the establishment may then make such premises
564 available to other guests. However, the operator of the
565 establishment shall employ all reasonable and proper means to
566 care for any personal property which may be left on the premises
567 by such guest and shall refund any unused portion of moneys paid
568 by such guest for the occupancy of such premises.

569 Section 8. Subsection (1) of section 509.151, Florida
570 Statutes, is amended to read:

571 509.151 Obtaining food or lodging with intent to defraud;
572 penalty.—

573 (1) Any person who obtains food, lodging, or other
574 accommodations having a value of less than \$300 at any public
575 food service establishment, or at any transient public lodging
576 establishment, with intent to defraud the operator thereof, is
577 guilty of a misdemeanor of the second degree, punishable as
578 provided in s. 775.082 or s. 775.083; if such food, lodging, or
579 other accommodations have a value of \$300 or more, such person
580 is guilty of a felony of the third degree, punishable as

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581 provided in s. 775.082, s. 775.083, or s. 775.084.

582 Section 9. Paragraphs (b) and (c) of subsection (2) and
583 subsections (6) and (9) of section 509.221, Florida Statutes,
584 are amended to read:

585 509.221 Sanitary regulations.—

586 (2)

587 (b) Within a theme park or an entertainment complex as
588 defined in s. 509.013(12) ~~s. 509.013(9)~~, the bathrooms are not
589 required to be in the same building as the public food service
590 establishment, so long as they are reasonably accessible.

591 (c) Each transient public lodging establishment that does
592 not provide private or connecting bathrooms shall maintain one
593 public bathroom on each floor for every 15 guests, or major
594 fraction of that number, rooming on that floor.

595 (6) Each transient public lodging establishment shall
596 provide each bed, bunk, cot, or other sleeping place for the use
597 of guests with clean pillowslips and under and top sheets.
598 Sheets and pillowslips shall be laundered before they are used
599 by another guest, a clean set being furnished each succeeding
600 guest. All bedding, including mattresses, quilts, blankets,
601 pillows, sheets, and comforters, shall be thoroughly aired,
602 disinfected, and kept clean. Bedding, including mattresses,
603 quilts, blankets, pillows, sheets, or comforters, may not be
604 used if they are worn out or unfit for further use.

605 (9) Subsections (2), (5), and (6) do not apply to any
606 facility or unit classified as a vacation rental, nontransient
607 apartment, or timeshare project as described in s.
608 509.242(1)(c), (d), and (g). Subsections (2), (5), and (6) shall
609 apply, however, to any commercial vacation rental.

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610 Section 10. Subsections (1) and (3) of section 509.241,
611 Florida Statutes, are amended to read:

612 509.241 Licenses required; exceptions.—

613 (1) LICENSES; ANNUAL RENEWALS.— Each public lodging
614 establishment and public food service establishment shall obtain
615 a license from the division. Such license may not be transferred
616 from one place or individual to another. It shall be a
617 misdemeanor of the second degree, punishable as provided in s.
618 775.082 or s. 775.083, for such an establishment to operate
619 without a license. Local law enforcement shall provide immediate
620 assistance in pursuing an illegally operating establishment. The
621 division may refuse a license, or a renewal thereof, to any
622 establishment that is not constructed and maintained in
623 accordance with law and with the rules of the division. The
624 division may refuse to issue a license, or a renewal thereof, to
625 any establishment an operator of which, within the preceding 5
626 years, has been adjudicated guilty of, or has forfeited a bond
627 when charged with, any crime reflecting on professional
628 character, including soliciting for prostitution, pandering,
629 letting premises for prostitution, keeping a disorderly place,
630 or illegally dealing in controlled substances as defined in
631 chapter 893, whether in this state or in any other jurisdiction
632 within the United States, or has had a license denied, revoked,
633 or suspended pursuant to s. 429.14. The division may refuse to
634 issue, refuse to renew, suspend, or revoke the license of any
635 public lodging establishment that is the subject of a final
636 order from a local government directing the public lodging
637 establishment to cease operations due to violation of a local
638 ordinance. Licenses shall be renewed annually, and the division

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639 shall adopt a rule establishing a staggered schedule for license
640 renewals. If any license expires while administrative charges
641 are pending against the license, the proceedings against the
642 license shall continue to conclusion as if the license were
643 still in effect.

644 (3) DISPLAY OF LICENSE.— Any license issued by the division
645 shall be conspicuously displayed in the office or lobby of the
646 licensed establishment. Public food service establishments that
647 ~~which~~ offer catering services shall display their license number
648 on all advertising for catering services. A vacation rental
649 operator shall display the vacation rental's license number in
650 all rental listings or advertisements, and, if the operator is
651 offering for rent the whole or any portion of a unit or dwelling
652 through the rental listing or advertisement, the operator shall
653 also display the physical address of the property, including any
654 unit designation.

655 Section 11. Paragraphs (c) and (d) of subsection (1) of
656 section 509.242, Florida Statutes, are amended to read:

657 509.242 Public lodging establishments; classifications.—

658 (1) A public lodging establishment shall be classified as a
659 hotel, motel, nontransient apartment, transient apartment, bed
660 and breakfast inn, timeshare project, or vacation rental if the
661 establishment satisfies the following criteria:

662 (c) *Vacation rental.*—A vacation rental is the whole or any
663 part of a ~~any~~ unit or group of units in a condominium or
664 cooperative or in an ~~any~~ individually or collectively owned
665 single-family, two-family, three-family, or four-family house or
666 dwelling unit that is also a transient public lodging
667 establishment but that is not a timeshare project. The division

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668 may require by rule that applicants and licensees provide all
669 information necessary to determine common ownership, control, or
670 management of vacation rentals.

671 (d) *Nontransient apartment.*—A nontransient apartment is a
672 building or complex of buildings in which 75 percent or more of
673 the units are advertised or held out to the public as ~~are~~
674 available for ~~rent to~~ nontransient occupancy tenants.

675 Section 12. Section 509.243, Florida Statutes, is created
676 to read:

677 509.243 Hosting platforms for transient public lodging
678 establishments.—

679 (1) The operator of a transient public lodging
680 establishment located in this state may not advertise or list
681 its rental properties with a hosting platform unless the hosting
682 platform is registered with the division pursuant to this
683 section.

684 (2) A hosting platform may not advertise for rent,
685 facilitate a guest's reservation, or collect payments for the
686 reservation or rental of a public lodging establishment that is
687 not licensed by the division as required by s. 509.241.

688 (3) A person may not operate as a hosting platform for
689 transient public lodging establishments located in this state
690 unless registered with the division pursuant to this section.
691 The division will issue a registration to each person who meets
692 the requirements of this section and who pays the required
693 registration fee, to be deposited into the Hotel and Restaurant
694 Trust Fund. The division shall adopt by rule a schedule of fees
695 to be paid by each hosting platform as a prerequisite to
696 issuance or renewal of a registration. Such fees shall be based

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697 upon the number of transient public lodging establishments
698 served by the hosting platform. The aggregate annual
699 registration fee per hosting platform may not exceed \$1,000.

700 (4) A hosting platform must designate and maintain on file
701 with the division an agent for service of process in this state.
702 If the registered agent cannot, with reasonable diligence, be
703 located, or if the hosting platform fails to designate or
704 maintain a registered agent in this state, the director of the
705 division will be deemed an agent of the hosting platform for
706 purposes of accepting service of any process, notice, or demand.

707 (5) A hosting platform may collect and remit state and
708 local taxes on behalf of the operators of the public lodging
709 establishments which it serves.

710 (6) A hosting platform must maintain records, in accordance
711 with rules adopted by the division, listing each transient
712 public lodging establishment that it serves, the name of the
713 operator, the transient public lodging establishment's license
714 number and physical address, including any unit designation, and
715 the applicable certificate of registration number under s.
716 212.18. For each transient public lodging establishment, these
717 records must also detail each period of rental reserved through
718 the hosting platform and the itemized amounts collected from the
719 guest by the hosting platform for the rental, taxes, and all
720 other charges. These records must be maintained by the hosting
721 platform for a period of 3 years and must be transmitted to the
722 division every 3 months in an electronic format, in accordance
723 with rules adopted by the division. The division shall audit
724 such records at least annually to enforce compliance with this
725 chapter. The division may share such records with the Department

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726 of Revenue and any county that administers a tax imposed under
727 chapter 125 or chapter 212 for purposes of enforcing compliance
728 with those chapters.

729 (7) A hosting platform that has operated or is operating in
730 violation of this section or the rules of the division may be
731 subject by the division to fines not to exceed \$1,000 per
732 offense and to suspension, revocation, or refusal of a
733 registration issued pursuant to this section.

734 Section 13. Section 509.4005, Florida Statutes, is amended
735 to read:

736 509.4005 Applicability of ss. 509.401-509.417.—Sections
737 509.401-509.417 apply only to guests in transient occupancy in a
738 licensed public lodging establishment.

739 Section 14. (1) The Department of Revenue, and any county
740 that administers a tax imposed under chapter 125 or chapter 212,
741 Florida Statutes, shall provide an amnesty program for unpaid
742 taxes, penalties, and interest for persons who engage in
743 leasing, renting, letting, or granting licenses to use a
744 vacation rental, as defined in s. 509.242, Florida Statutes,
745 subject to all of the following conditions:

746 (a) A customer's payment for the vacation rental must have
747 been made before October 1, 2018.

748 (b) By October 1, 2018, the person who collects rental
749 payments must be registered with the department to collect taxes
750 on vacation rentals.

751 (c) By October 1, 2018, the person who collects rental
752 payments must apply for amnesty pursuant to rules adopted by the
753 department.

754 (d) The owners, operators, or managers of the vacation

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755 rental must have collected the rental payments.

756 (e) Taxes may not have been collected from any customer to
757 occupy a vacation rental.

758 (2) The amnesty program is not available for taxes,
759 penalties, or interest assessed if the assessment is final and
760 has not been timely challenged, or for any taxes, penalties, or
761 interest that have been paid to the department, unless the
762 payment is the subject of an assessment that is not final or
763 that has been timely challenged.

764 (3) The department may adopt emergency rules under ss.
765 120.536(1) and 120.54(4), Florida Statutes, to implement the
766 amnesty program. Such rules may provide forms, procedures,
767 terms, conditions, and methods of payment appropriate for the
768 fair and effective administration of the amnesty program and
769 that ensure taxpayers' ongoing commitment to proper collection
770 and remittance of taxes. Notwithstanding any other law, the
771 emergency rules remain in effect until 6 months after their
772 adoption or the date all amnesty application files are resolved
773 pursuant to this section, whichever is later.

774 Section 15. Subsection (12) of section 159.27, Florida
775 Statutes, is amended to read:

776 159.27 Definitions.—The following words and terms, unless
777 the context clearly indicates a different meaning, shall have
778 the following meanings:

779 (12) "Public lodging or restaurant facility" means property
780 used for any public lodging establishment as defined in s.
781 509.242 or public food service establishment as defined in s.
782 509.013 ~~s. 509.013(5)~~ if it is part of the complex of, or
783 necessary to, another facility qualifying under this part.

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784 Section 16. Paragraph (jj) of subsection (7) of section
785 212.08, Florida Statutes, is amended to read:

786 212.08 Sales, rental, use, consumption, distribution, and
787 storage tax; specified exemptions.—The sale at retail, the
788 rental, the use, the consumption, the distribution, and the
789 storage to be used or consumed in this state of the following
790 are hereby specifically exempt from the tax imposed by this
791 chapter.

792 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
793 entity by this chapter do not inure to any transaction that is
794 otherwise taxable under this chapter when payment is made by a
795 representative or employee of the entity by any means,
796 including, but not limited to, cash, check, or credit card, even
797 when that representative or employee is subsequently reimbursed
798 by the entity. In addition, exemptions provided to any entity by
799 this subsection do not inure to any transaction that is
800 otherwise taxable under this chapter unless the entity has
801 obtained a sales tax exemption certificate from the department
802 or the entity obtains or provides other documentation as
803 required by the department. Eligible purchases or leases made
804 with such a certificate must be in strict compliance with this
805 subsection and departmental rules, and any person who makes an
806 exempt purchase with a certificate that is not in strict
807 compliance with this subsection and the rules is liable for and
808 shall pay the tax. The department may adopt rules to administer
809 this subsection.

810 (jj) *Complimentary meals*.—Also exempt from the tax imposed
811 by this chapter are food or drinks that are furnished as part of
812 a packaged room rate by any person offering for rent or lease

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813 any transient living accommodations as described in s.
814 509.013(9) (a) ~~s. 509.013(4) (a)~~ which are licensed under part I
815 of chapter 509 and which are subject to the tax under s. 212.03,
816 if a separate charge or specific amount for the food or drinks
817 is not shown. Such food or drinks are considered to be sold at
818 retail as part of the total charge for the transient living
819 accommodations. Moreover, the person offering the accommodations
820 is not considered to be the consumer of items purchased in
821 furnishing such food or drinks and may purchase those items
822 under conditions of a sale for resale.

823 Section 17. Paragraph (b) of subsection (4) of section
824 316.1955, Florida Statutes, is amended to read:

825 316.1955 Enforcement of parking requirements for persons
826 who have disabilities.-

827 (4)

828 (b) Notwithstanding paragraph (a), a theme park or an
829 entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~
830 which provides parking in designated areas for persons who have
831 disabilities may allow any vehicle that is transporting a person
832 who has a disability to remain parked in a space reserved for
833 persons who have disabilities throughout the period the theme
834 park is open to the public for that day.

835 Section 18. Subsection (5) of section 404.056, Florida
836 Statutes, is amended to read:

837 404.056 Environmental radiation standards and projects;
838 certification of persons performing measurement or mitigation
839 services; mandatory testing; notification on real estate
840 documents; rules.-

841 (5) NOTIFICATION ON REAL ESTATE DOCUMENTS.-Notification

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842 shall be provided on at least one document, form, or application
843 executed at the time of, or prior to, contract for sale and
844 purchase of any building or execution of a rental agreement for
845 any building. Such notification shall contain the following
846 language:

847

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

855

856 The requirements of this subsection do not apply to any
857 residential transient occupancy, as described in s. 509.013(14)
858 ~~s. 509.013(12)~~, provided that such occupancy is 45 days or less
859 in duration.

860 Section 19. Subsection (6) of section 477.0135, Florida
861 Statutes, is amended to read:

862 477.0135 Exemptions.—

863 (6) A license is not required of any individual providing
864 makeup or special effects services in a theme park or an
865 entertainment complex to an actor, stunt person, musician,
866 extra, or other talent, or providing makeup or special effects
867 services to the general public. The terms ~~term~~ "theme park" or
868 "entertainment complex" have ~~has~~ the same meaning as in s.
869 509.013 ~~s. 509.013(9)~~.

870 Section 20. Paragraph (b) of subsection (5) of section

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871 553.5041, Florida Statutes, is amended to read:

872 553.5041 Parking spaces for persons who have disabilities.—

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

876 (b) If there are multiple entrances or multiple retail
877 stores, the parking spaces must be dispersed to provide parking
878 at the nearest accessible entrance. If a theme park or an
879 entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~
880 provides parking in several lots or areas from which access to
881 the theme park or entertainment complex is provided, a single
882 lot or area may be designated for parking by persons who have
883 disabilities, if the lot or area is located on the shortest
884 accessible route to an accessible entrance to the theme park or
885 entertainment complex or to transportation to such an accessible
886 entrance.

887 Section 21. Section 717.1355, Florida Statutes, is amended
888 to read:

889 717.1355 Theme park and entertainment complex tickets.—This
890 chapter does not apply to any tickets for admission to a theme
891 park or an entertainment complex as defined in s. 509.013 ~~s.~~
892 ~~509.013(9)~~, or to any tickets to a permanent exhibition or
893 recreational activity within such theme park or entertainment
894 complex.

895 Section 22. Subsection (8) of section 877.24, Florida
896 Statutes, is amended to read:

897 877.24 Nonapplication of s. 877.22.—Section 877.22 does not
898 apply to a minor who is:

899 (8) Attending an organized event held at and sponsored by a

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900 theme park or an entertainment complex as defined in s. 509.013
901 ~~s. 509.013(9)~~.

902 Section 23. Except as otherwise expressly provided in this
903 act and except for this section, which shall take effect upon
904 this act becoming a law, this act shall take effect October 1,
905 2018.