

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 773 Vacation Rentals
SPONSOR(S): Government Accountability Committee; La Rosa
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Government Accountability Committee	13 Y, 11 N, As CS	Darden	Williamson
2) Commerce Committee			

SUMMARY ANALYSIS

A vacation rental is any condominium, cooperative, or house which is not a timeshare project and is rented to guests more than three times in a calendar year for periods of less than 30 days or one calendar month, or is advertised to the public as a place regularly rented to guests. In 2011, the Legislature preempted vacation rental regulation to the state, preventing local governments from enacting any new law, ordinance, or regulation that prohibited, restricted the use of, or regulated vacation rentals based on classification, use, or occupancy. The legislation exempted (grandfathered) any local law, ordinance, or regulation that was enacted by a local government on or prior to June 1, 2011. This preemption was narrowed in 2014 to allow local governments to regulate vacation rentals as long as those regulations do not prohibit the use of property as a vacation rental or regulate the duration and frequency during which the property can be used as vacation rental.

The bill authorizes local laws, ordinances, or regulations to regulate activities that arise when a property is used as a vacation rental, as long as such regulations apply uniformly to all residential properties.

The bill retains the current preemption that local governments cannot prohibit vacation rentals or regulate the duration or frequency of vacation rentals and the current grandfather provision that exempts any local law, ordinance, or regulation that was enacted by a local government on or before June 1, 2011. However, the bill authorizes the duration or frequency requirements of such local law, ordinance, or regulation that was enacted by a local government on or prior to June 1, 2011, to be amended to be less restrictive.

The bill requires the operator of any public lodging establishment to inquire of all guests at check-in if the guest is a sexual predator. If any guest is a sexual predator, the bill requires the operator to immediately inform all other guests of the public lodging establishment. The bill gives the Division of Hotels and Restaurants of the Department of Business and Professional Regulation the authority to adopt rules to implement this requirement.

The bill requires a sexual offender staying in a vacation rental to register with the sheriff's office in the county where the vacation rental is located 48 hours prior to arrival at the vacation rental. The vacation rental operator who rents a vacation rental to a sexual offender must notify property owners within 1,000 feet of the rented property at least 24 hours prior to the sexual offender's arrival at the vacation rental. The bill requires every Internet advertisement or posting for a vacation rental to display the complete physical street address of the vacation rental and a link to the Department of Law Enforcement's sexual predator and offender information website. The advertisement must also display a link to the statute requiring sexual offenders to register with the Department of Law Enforcement and state "Every sexual offender and sexual predator intending to stay at a location in Florida is required by Florida law to register in accordance with s. 509.606."

The bill does not appear to have a fiscal impact on state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Vacation Rentals

The Division of Hotels and Restaurants (Division) within the Department of Business and Professional Regulation (DBPR) is charged with enforcing the provisions of ch. 509, F.S., and all other applicable laws relating to the inspection and regulation of public lodging establishments and public food service establishments for the purpose of protecting the public health, safety, and welfare. DBPR licenses vacation rentals within the state and has the power to inspect a licensed vacation rental.¹

The term “vacation rental” means any unit or group of units in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is also a transient public lodging establishment but that is not a timeshare project.²

Licensing

The Division may issue a vacation rental license as a single, group, or collective license.³ A single license is issued to an individual person or entity, but not a licensed agent, and may include one single-family house or townhouse, or a unit or group of units within a single building that are owned and operated by the same individual person or entity. A group license is issued to a licensed agent to cover all units within a building or group of buildings in a single complex and only covers units held out to the public as a place regularly rented to guests. A collective license is issued to a licensed agent who represents a collective group of houses or units found on separate locations not to exceed 75 houses per license.

To apply for licensure, an applicant must submit the appropriate application and the required fee to the Division.⁴ The license fees are based on the number of rental units in the establishment.⁵ A current license must be conspicuously displayed in the office or lobby of the licensed establishment.⁶ If no office or lobby is present on the premises of the licensed establishment, the license must be readily available for inspection upon request.⁷

As of July 1, 2017, there are 41,931 public lodging establishments licensed by the Division. These licenses are distributed as follows:

- Hotels: 1,916 licenses;
- Motels: 2,600 licenses;
- Non-transient apartments: 18,008 licenses;
- Transient apartments: 895 licenses;

¹ Section 509.241, F.S.

² Section 509.242(1)(c), F.S. The term “transient public lodging establishment” means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings, which is rented to guests more than three times in a calendar year for periods of less than 30 days or one calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests. Section 509.013(4)(a)1., F.S.

³ Rule 61C-1.002(4)(a)1., F.A.C.

⁴ Section 509.251, F.S.

⁵ Rule 61C-1.008, F.A.C.

⁶ Section 509.241(3), F.S.

⁷ Rule 61C-1.002(1), F.A.C.

- Bed and Breakfast Inns: 259 licenses;
- Vacation rental condominiums: 5,037 licenses;
- Vacation rental dwellings: 13,196 licenses; and
- Vacation rental timeshare projects: 20 licenses.⁸

Sanitation and Safety

Each public lodging establishment is required to meet general requirements and standards relating to sanitation and safety.⁹ Each establishment must be supplied with potable water and provide adequate sanitary facilities for the accommodation of its employees and guests.¹⁰ The facilities must be connected to a plumbing system that is constructed in accordance with the Florida Building Code and approved by the local building authority.¹¹ Each transient establishment that does not provide private or connecting bathrooms must maintain one public bathroom on each floor for every 15 guests, or major fraction of that number, rooming on that floor.¹²

Each public lodging establishment must be properly lighted, heated, cooled, ventilated, and operated with strict regard to the health, comfort, and safety of the guests.¹³ Specialized smoke detectors for the deaf and hearing-impaired must be made available upon request by guests in transient public lodging establishments without charge.¹⁴ All building structural components, attachments, and fixtures, must be kept in good repair, clean and free of obstructions.¹⁵

Effective control measures must be taken to protect against the entrance into the establishment, and the breeding or presence on the premises of rodents, flies, roaches and other vermin.¹⁶ Toxic items must be properly stored and labeled.¹⁷

If tableware, glassware, and utensils are provided, they must be sanitized between guests.¹⁸ A kitchen sink with hot and cold running water under pressure is required.¹⁹ Kitchen appliances and refrigeration equipment must be kept clean, free from odors and in good repair.²⁰ Refrigerators must be properly drained. Kitchens must be ventilated, and must have at least 10-foot candles of light, sufficient and suitable cooking utensils, and adequate garbage receptacles.²¹

Ice making machines must use water from a Department of Health approved source and be constructed, located, installed, operated, and maintained to prevent contamination of the ice.²² Ice machines for customer self-service must be protected from contamination and equipped so the ice can be automatically dispensed.²³

⁸ *Division of Hotels and Restaurants Annual Report for FY 2016-2017*, Department of Business and Professional Regulation, at 8, available at: http://www.myfloridalicense.com/dbpr/hr/reports/annualreports/documents/ar2016_17.pdf (last accessed Jan. 2, 2018).

⁹ See generally ch. 509, F.S. and rule 61C-1&3, F.A.C.

¹⁰ Section 509.221(1), F.S.

¹¹ *Id.*

¹² Section 509.221(2)(c), F.S.

¹³ Section 509.221(3), F.S.

¹⁴ Rule 61C-1.004, F.A.C.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Rule 61C-3.001(1), F.A.C.

¹⁹ Rule 61C-3.001(2), F.A.C.

²⁰ *Id.*

²¹ *Id.*

²² Rule 61C-3.001(3), F.A.C.

²³ *Id.*

Public lodging establishments are required to have at least one approved locking device, which cannot be opened by a non-master guest room key on all outside and connecting doors.²⁴ Public lodging establishments with three or more stories must submit a certificate to the Division stating that any and all balconies, platforms, stairways, and railways have been inspected and found to be safe, secure, and free of defects.²⁵

High hazard areas like attics, basements, and laundry rooms must be kept clean and free of debris and flammables.²⁶ Smoke alarms must be installed in every living unit.²⁷ Automatic fire sprinklers may be required in public lodging establishments if the rental units are located within a building with three or more stories or greater than 75 feet in height.²⁸ All local fire authority requirements must be met. Electrical wiring must be in good repair.

The operator of a public lodging establishment is authorized to refuse accommodations or service to undesirable guests.²⁹ In addition, an operator is authorized to take a person into custody and detain that person for disorderly conduct that creates a threat to the life or safety of the person or others.³⁰

Inspections

The Division is required to inspect each licensed public lodging establishment at least biannually, except for transient and non-transient apartments, which must be inspected at least annually.³¹ Vacation rentals are not subject to this requirement, but must be available for inspection upon a request by the Division, as necessary to ensure the public's health, safety, and welfare.³² For inspection purposes, the licensee or operator must, upon request, meet the inspector at the site of a specified establishment with keys to the licensed house or unit being inspected.³³

The licensee or operator must notify the Division of any and all houses or units represented for inclusion in the license application.³⁴ Anytime a change occurs in the street or unit address or number of houses or units included under the license, the licensee or operator must notify the Division of any and all houses or units included in the license at least 60 days prior to the expiration date of the license.³⁵ In addition, a list of the included houses or units must be maintained in a written form for inspection by request.³⁶

Each operator of a transient establishment must maintain a register showing the dates each rental unit was occupied by a guest as well the rates charged to the occupants.³⁷ This register must be maintained in chronological order and available for inspection by the Division at any time.³⁸ Operators must maintain two years of register data.³⁹

²⁴ Rule 61C-3.001(4), F.A.C.

²⁵ Rule 61C-3.001(5), F.A.C.

²⁶ Rule 61C-1.004, F.A.C.

²⁷ Section 509.215(1)(b), F.S.

²⁸ Section 509.215(1), F.S.

²⁹ Section 509.141(1), F.S.

³⁰ Section 509.143(1), F.S.

³¹ Section 509.032(2)(a), F.S.

³² *Id.*

³³ Rule 61C-1.002, F.A.C.

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ Section 509.101(2), F.S.

³⁸ Section 509.101(2), F.S.

³⁹ *Id.*

The Division also may inspect a vacation rental in response to a consumer complaint related to sanitation issues or unlicensed activity. In Fiscal Year 2016-2017, the Division received 457 consumer complaints regarding vacation rentals.⁴⁰

Violations

Any public lodging establishment found to be in violation of ch. 509, F.S., or rules adopted by the Division, may be subject to the following penalties:

- Fines not to exceed \$1,000 per offense;
- Mandatory completion, at personal expense, of a remedial educational program administered by a food safety training program provider approved by the Division; and
- Suspension, revocation, or refusal of a license.⁴¹

Failure to fulfill any of the inspection requirements constitutes failure to make the premises available for inspection.⁴²

Licensees with a single license are responsible for all violations of ch. 509, F.S., or rules adopted by the Division.⁴³ The authorized agent of the licensee is responsible for a violation for licensees holding a collective or group license if the dwelling or unit was listed under the agent or as otherwise reflected in records filed with the Division.⁴⁴

Preemption Authority

Prior to June 1, 2011, local governments regulated vacation rentals (also referred to as resort dwellings in many local ordinances). Local governments could restrict or prohibit vacation rentals up to, and including, banning the use of residential properties as vacation rentals.

Legislation in 2011 preempted the authority to regulate vacation rentals to the state.⁴⁵ The preemption prevented local governments from enacting any new law, ordinance, or regulation that:

- Restricted the use of vacation rentals;
- Prohibited vacation rentals; or
- Regulated vacation rentals based solely on their classification, use, or occupancy.

The act also grandfathered any local law, ordinance, or regulation of vacation rentals enacted prior to the effective date of the preemption.⁴⁶

Prior to the 2011 preemption, several municipalities had created regulations specifically relating to vacation rentals.⁴⁷ As an example, one ordinance prohibited owners of single-family residences in residential zones from renting their properties for durations of less than 30 days, although it grandfathered certain vacation rentals that had already obtained all applicable state and local licenses and permits.⁴⁸

⁴⁰ *Division of Hotels and Restaurants Annual Report for FY 2016-2017*, Department of Business and Professional Regulation, at 23, available at http://www.myfloridalicense.com/dbpr/hr/reports/annualreports/documents/ar2016_17.pdf (last accessed Jan. 2, 2018).

⁴¹ Section 509.261(1), F.S.

⁴² Rule 61C-1.002, F.A.C.

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ Chapter 2011-119, Laws of Fla., codified in s. 509.032(7), F.S.

⁴⁶ *Id.*

⁴⁷ See City of Venice Code of Ordinances, ch. 86, art. V, div. 9, s. 86-151. See also Monroe County Code, No. 004-1997 (2013); Bal Harbour Village Code of Ordinances, s. 21-363.

⁴⁸ City of Venice Code of Ordinances, ch. 86, art. V, div. 9, s. 86-151. See also *City of Venice v. Gwynn*, 76 So. 3d 401, 403 (Fla. 2nd DCA 2011).

Subsequent to the enactment of the 2011 legislation, the vacation rental market experienced growth.⁴⁹ In 2014, the Legislature narrowed the scope of the preemption by preventing local governments from prohibiting or regulating the duration or frequency of vacation rentals.⁵⁰ This enabled local governments to regulate vacation rentals to the extent those regulations do not prohibit or restrict the duration or frequency of vacation rentals. The amendment retained the grandfather provision for regulations adopted before 2011.⁵¹

Attorney General Opinion

The Attorney General (AG) released an opinion on October 5, 2016, addressing whether a municipality could limit the spacing and concentration of vacation rentals through a proposed ordinance in light of the preemption regarding vacation rentals.⁵² The AG opined that the preemption allows local governments some regulation of vacation rentals, but prevents local governments from prohibiting vacation rentals. Consequently, the AG noted that a municipality may not impose spacing or proportional regulations that would have the effect of preventing eligible housing from being used as a vacation rental.

Recent Activity

Some homeowners found to be in conflict with ordinances regulating vacation rentals have taken legal action against their respective local governments through the Bert J. Harris, Jr., Private Property Rights Protection Act.⁵³ The act provides a cause of action for private property owners whose real property has been inordinately burdened by a specific action⁵⁴ of a governmental entity that may not rise to the level of a “taking” under the State or Federal Constitutions.⁵⁵ The inordinate burden can apply to either an existing use of real property or a vested right to a specific use.⁵⁶

In November 2015, the City of Anna Maria passed and adopted Ordinance No. 15-807. This ordinance provides a general framework for the regulation of vacation rentals, including maximum occupancy requirements. According to the city’s website, since April 2016, approximately 113 Bert Harris Act claims citing Ordinance No. 15-807 amounting to approximately \$38 million in damages have been filed.⁵⁷

Sexual Offenders and Sexual Predators

Florida law requires registration of any person who has been convicted or adjudicated delinquent of a specified sexual offense or offenses and who meets other statutory criteria that qualify the person for designation as a sexual predator or classification as a sexual offender. The registration laws, which also require re-registration and provide for public and community notification of certain information about sexual predators and sexual offenders, span several different chapters and numerous statutes.⁵⁸

⁴⁹ See Melissa Maynard, *As Short-Terms Rentals Boom, Regulation an Issue*, The Pew Charitable Trust, June, 6, 2013, <http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2013/06/06/as-shortterms-rentals-boom-regulation-an-issue> (last accessed Jan. 2, 2018).

⁵⁰ Chapter 2014-71, Laws of Fla., codified in s. 509.032(7)(b), F.S.

⁵¹ Section 509.032(7)(c), F.S.

⁵² 2016-12 Fla. Op. Att’y Gen. (Oct. 5, 2016).

⁵³ See 18 Holmes Beach rental owners lead off Bert Harris claims , The Islander, Nov. 15, 2016, available at: <http://www.islander.org/2016/11/18-holmes-beach-rental-owners-lead-off-bert-harris-claims/> (last accessed Jan. 2, 2018). See also s. 70.001, F.S. (Bert J. Harris, Jr., Private Property Rights Protection Act)

⁵⁴ Section 70.001(3)(d), F.S., provides that the “term ‘action of a governmental entity’ means a specific action of a governmental entity which affects real property, including action on an application or permit.”

⁵⁵ Section 70.001(1) and (9), F.S.

⁵⁶ Section 70.001(2), F.S.

⁵⁷ *Bert J. Harris, Jr., Private Property Rights Protection Act Claim Filings*, City of Anna Maria, http://www.cityofannamaria.com/residents/bert_harris_claim.php (last viewed Jan. 8, 2018).

⁵⁸ Sections 775.21–775.25, 943.043–943.0437, 944.606–944.607, and 985.481–985.4815, F.S.

A person is designated as a sexual predator by a court if the person:

- Has been convicted of a current qualifying capital, life, or first degree felony sex offense committed on or after October 1, 1993;
- Has been convicted of a current qualifying sex offense committed on or after October 1, 1993, and has a prior conviction for a qualifying sex offense; or
- Was found to be a sexually violent predator in a civil commitment proceeding.⁵⁹

A person is classified as a sexual offender if the person:

- Has been convicted of a qualifying sex offense and has been released on or after October 1, 1997 (the date the modern registry became effective) from the sanction imposed for that offense;
- Establishes or maintains a Florida residence and is subject to registration or community or public notification in another state or jurisdiction or is in the custody or control of, or under the supervision of, another state or jurisdiction as a result of a conviction for a qualifying sex offense; or
- On or after July 1, 2007, has been adjudicated delinquent of a qualifying sexual battery or lewd offense committed when the person was 14 years of age or older.^{60, 61}

Requirements for in-person registration and re-registration are similar for sexual predators and sexual offenders, but the frequency of reregistration depends on the qualifying offense.

The Florida Department of Law Enforcement (FDLE), through its agency website, provides a searchable database that contains information about sexual predators and sexual offenders.⁶² Further, local law enforcement agencies provide access to this information, typically through a link to the state public registry webpage.

Reporting requirements and time periods for reporting differ depending upon whether the registrant (sexual predator or sexual offender) is in or out of custody or supervision. Generally, the registrant must initially report in person to the local sheriff's office within 48 hours after:

- Establishing a residence in Florida (sexual predators and sexual offenders);
- Being designated by the court as a sexual predator;
- Being released from custody or supervision (sexual offenders); or
- Being convicted, if the registrant is not under the control, custody, or supervision of the Department of Corrections or the custody of a private correctional facility (sexual offenders).⁶³

Sections 775.21 and 943.0435, F.S., require sexual predators and sexual offenders to provide the following specified information at the time of initial registration:

- Name;
- Social security number;
- Age;
- Race;

⁵⁹ Section 775.21, F.S. ("The Florida Sexual Predators Act").

⁶⁰ Sections 943.0435, 985.4815, F.S.

⁶¹ Sections 944.606 and 944.607, F.S., which contain provisions relating to sexual offenders in the custody of or under the supervision of the Department of Corrections also contain definitions of the term "sexual offender" along with qualifying offenses.

⁶² FDLE is the central repository for registration information. It also maintains the state public registry and ensures Florida's compliance with federal laws. Local sheriff's offices are responsible for in-person registration and reregistration. *See* Florida Department of Law Enforcement, *About Us*, Updated Oct. 1, 2016, *available at* <http://offender.fdle.state.fl.us/offender/About.jsp> (last viewed Feb. 22, 2018). FDLE maintains a database which allows members of the public to search for sexual offenders and sexual predators through a variety of search options, including name, neighborhood, and enrollment, employment, or volunteer status at a institute of higher education. Members of the public may also check whether an electronic mail address or Internet identifier belongs to a registered sexual offender or sexual predator. *See* FDLE Website at <http://offender.fdle.state.fl.us/offender/Search.jsp> (last viewed on Feb. 22, 2018).

⁶³ Sections 775.21(6)(e) and 943.0435(2)(a), F.S.

- Sex;
- Date of birth;
- Height;
- Weight;
- Tattoos or other identifying marks;
- Hair and eye color;
- Photograph;
- Address of legal residences, including current, known, temporary, transient, or future;
- Electronic mail addresses and all Internet identifiers;
- Home and cellular telephone numbers;
- Employment information and other additional information;
- Vehicle information, including the make, model, color, vehicle identification number (VIN), and license tag number of all vehicles owned;
- Dates and places of conviction and related information such as fingerprints, palm prints, and a brief description of the crime or crimes committed by the offender;
- Information regarding alien immigration status; and
- Information regarding whether the offender is enrolled or employed by an institution of higher education.⁶⁴

Effect of Proposed Changes

The bill allows local laws, ordinances, or regulations to regulate activities that arise when a property is used as a vacation rental provided the regulations apply uniformly to all residential properties without regard to whether the property is used as a vacation rental as defined in s. 509.242, F.S., or a long-term rental subject to the provisions of ch. 83, F.S., or whether a property owner chooses not to rent the property. The bill retains the current preemption of local governments that prohibits a local law, ordinance, or regulation from prohibiting vacation rentals or regulating the duration or frequency of vacation rentals. As a result, local governments will be precluded from creating regulations that would distinguish vacation rentals from other residential properties.

The provision grandfathering local laws, ordinances, and regulations enacted by a local government on or prior to June 1, 2011, is retained and revised. The bill provides that an amendment to a grandfathered law, ordinance, or regulation which makes duration or frequency requirements less restrictive shall not remove the ordinance's grandfathered status.

The bill requires the operator of any public lodging establishment to inquire of all guests at check-in if the guest is a sexual predator. If any guest is a sexual predator, the bill requires the operator to immediately inform all other guests of the public lodging establishment. The bill authorizes the Division to adopt rules to implement this requirement.

The bill requires a sexual offender staying in a vacation rental to register with the sheriff's office in the county where the vacation rental is located 48 hours prior to arrival at the vacation rental. The vacation rental operator who rents a vacation rental to a sexual offender must notify property owners within 1,000 feet of the rented property 24 hours prior to the sexual offender's arrival at the vacation rental. The bill requires every Internet advertisement or posting for a vacation rental to display the complete physical street address of the vacation rental and a link to FDLE's sexual predator and offender information website. The advertisement must also display a link to the statute requiring sexual offenders to register with FDLE and include the following statement: "Every sexual offender and sexual predator intending to stay at a location in Florida is required by Florida law to register in accordance with s. 509.610 of the Florida Statutes."

⁶⁴ Sections 775.21(6)(a), (6)(g)(5) and 943.0435(2)(a), (2)(b), (4)(e), F.S.

B. SECTION DIRECTORY:

- Section 1: Amends s. 509.032, F.S., relating to preemption authority concerning vacation rentals.
- Section 2: Creates s. 509.1415, F.S., relating to sexual predators in public lodging establishments.
- Section 3: Creates s. 509.610, F.S., relating to certain registration for vacation rentals.
- Section 4: Provides an effective date of upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

- 1. Revenues:
None.
- 2. Expenditures:
None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

- 1. Revenues:
None.
- 2. Expenditures:
None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The direct economic impact on those who participate in the vacation rental industry in Florida is indeterminate.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill authorizes the Division to adopt rules to implement the requirement that a public lodging operator must inquire of all guests at check-in if the guest is a sexual predator and provide notice to other guests staying at the establishment.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issue: Sexual Offender Registration

Section 3 of the bill requires a sexual offender to register with the sheriff's office, but references the process for the registration of sexual predators. As such, this cross-reference may need to be changed to reflect the process for registering as a sexual offender.

Drafting Issue: Sanctions

Section 3 of the bill provides that the Division may fine, suspend, or revoke the license of any vacation rental owner not in compliance with the requirements of the section. The Division, however, does not license vacation rentals. As such, the bill sponsor may want to consider other appropriate sanctions for failure to comply with the section.

Other Comments: Sexual Offender Notification

Section 3 of the bill requires a sexual offender to register at the sheriff's office in the county where the sex offender is temporarily staying at least 48 hours prior to arrival at a vacation rental. The vacation rental owner or operator must inform every property owner within 1,000 feet of the sexual offender's stay 24-hours prior to the sex offender's arrival. However, it is unclear from the bill how the property owner or operator will know that such guest has registered at the sheriff's office in order to notify the surrounding property owners.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 22, 2018, the Government Accountability Committee adopted two amendments and reported the bill favorably as a committee substitute. The amendments require:

- The operator of any public lodging establishment to inquire of all guests at check-in if the guest is a sexual predator and notify other guests at the public lodging establishment.
- A sexual offender staying in a vacation rental to register with the sheriff's office in the county where the vacation rental is located 48 hours prior to arrival at the vacation rental and for the owner of the vacation rental to notify all property owners within 1,000 feet of the vacation rental.
- Advertisements for vacation rentals to include the street address of the property, a link to the sexual offenders database, and a statement that sexual offenders are required to register with the sheriff.

This analysis is drafted to the committee substitute as approved by the Government Accountability Committee