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LEGISLATIVE ACTION

Senate

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House

The Committee on Innovation, Industry, and Technology (Diaz) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 509.013, Florida Statutes, is reordered
and amended to read:

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

(1) "Advertising platform" means an online application,
software, website, system, or print advertisement through which
a transient public lodging establishment located in this state



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11 is advertised or held out to the public as available to rent for
12 transient occupancy. The term does not include the multiple
13 listing service or an online or print advertisement of a
14 transient public lodging establishment by a real estate broker
15 or sales associate licensed under chapter 475.

16 (3)~~(1)~~ "Division" means the Division of Hotels and
17 Restaurants of the Department of Business and Professional
18 Regulation.

19 (8)~~(2)~~ "Operator" means the owner, licensee, proprietor,
20 lessee, manager, assistant manager, or appointed agent of a
21 public lodging establishment or public food service
22 establishment.

23 (4)~~(3)~~ "Guest" means any patron, customer, tenant, lodger,
24 boarder, or occupant of a public lodging establishment or public
25 food service establishment.

26 (10) (a)~~(4) (a)~~ "Public lodging establishment" includes a
27 transient public lodging establishment as defined in
28 subparagraph 1. and a nontransient public lodging establishment
29 as defined in subparagraph 2.

30 1. "Transient public lodging establishment" means any unit,
31 group of units, dwelling, building, or group of buildings within
32 a single complex of buildings which is rented to guests more
33 than three times in a calendar year for periods of less than 30
34 days or 1 calendar month, whichever is less, or which is
35 advertised or held out to the public as a place regularly rented
36 to guests for less than 30 days or 1 calendar month. The term
37 includes a unit that is advertised for rent by an advertising
38 platform.

39 2. "Nontransient public lodging establishment" means any



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40 unit, group of units, dwelling, building, or group of buildings
41 within a single complex of buildings which is rented to guests
42 for periods of at least 30 days or 1 calendar month, whichever
43 is less, or which is advertised or held out to the public as a
44 place regularly rented to guests for periods of at least 30 days
45 or 1 calendar month.

46

47 License classifications of public lodging establishments, and
48 the definitions therefor, are set out in s. 509.242. For the
49 purpose of licensure, the term does not include condominium
50 common elements as defined in s. 718.103.

51 (b) The following are excluded from the definitions in
52 paragraph (a):

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

56 2. Any facility certified or licensed and regulated by the
57 Agency for Health Care Administration or the Department of
58 Children and Families or other similar place regulated under s.
59 381.0072.

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

63 4. Any unit or group of units in a condominium,
64 cooperative, or timeshare plan and any individually or
65 collectively owned one-family, two-family, three-family, or
66 four-family dwelling house or dwelling unit that is rented for
67 periods of at least 30 days or 1 calendar month, whichever is
68 less, and that is not advertised or held out to the public as a



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69 place regularly rented for periods of less than 1 calendar
70 month, provided that no more than four rental units within a
71 single complex of buildings are available for rent.

72 5. Any migrant labor camp or residential migrant housing
73 permitted by the Department of Health under ss. 381.008-
74 381.00895.

75 6. Any establishment inspected by the Department of Health
76 and regulated by chapter 513.

77 7. Any nonprofit organization that operates a facility
78 providing housing only to patients, patients' families, and
79 patients' caregivers and not to the general public.

80 8. Any apartment building inspected by the United States
81 Department of Housing and Urban Development or other entity
82 acting on the department's behalf that is designated primarily
83 as housing for persons at least 62 years of age. The division
84 may require the operator of the apartment building to attest in
85 writing that such building meets the criteria provided in this
86 subparagraph. The division may adopt rules to implement this
87 requirement.

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

92 (9) (a) ~~(5) (a)~~ "Public food service establishment" means any
93 building, vehicle, place, or structure, or any room or division
94 in a building, vehicle, place, or structure where food is
95 prepared, served, or sold for immediate consumption on or in the
96 vicinity of the premises; called for or taken out by customers;
97 or prepared prior to being delivered to another location for



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

103 (b) The following are excluded from the definition in
104 paragraph (a):

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

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

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

110 2. Any eating place maintained and operated by a church or
111 a religious, nonprofit fraternal, or nonprofit civic
112 organization:

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

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

116

117 Upon request by the division, a church or a religious, nonprofit
118 fraternal, or nonprofit civic organization claiming an exclusion
119 under this subparagraph must provide the division documentation
120 of its status as a church or a religious, nonprofit fraternal,
121 or nonprofit civic organization.

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

126 Upon request by the division, the event host must provide the



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

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

131 5. Any eating place maintained by a facility certified or
132 licensed and regulated by the Agency for Health Care
133 Administration or the Department of Children and Families or
134 other similar place that is regulated under s. 381.0072.

135 6. Any place of business issued a permit or inspected by
136 the Department of Agriculture and Consumer Services under s.
137 500.12.

138 7. Any place of business where the food available for
139 consumption is limited to ice, beverages with or without
140 garnishment, popcorn, or prepackaged items sold without
141 additions or preparation.

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

145 9. Any vending machine that dispenses any food or beverages
146 other than potentially hazardous foods, as defined by division
147 rule.

148 10. Any vending machine that dispenses potentially
149 hazardous food and which is located in a facility regulated
150 under s. 381.0072.

151 11. Any research and development test kitchen limited to
152 the use of employees and which is not open to the general
153 public.

154 (2)~~(6)~~ "Director" means the Director of the Division of
155 Hotels and Restaurants of the Department of Business and



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156 Professional Regulation.

157 ~~(11)(7)~~ "Single complex of buildings" means all buildings
158 or structures that are owned, managed, controlled, or operated
159 under one business name and are situated on the same tract or
160 plot of land that is not separated by a public street or
161 highway.

162 ~~(12)(8)~~ "Temporary food service event" means any event of
163 30 days or less in duration where food is prepared, served, or
164 sold to the general public.

165 ~~(13)(9)~~ "Theme park or entertainment complex" means a
166 complex comprised of at least 25 contiguous acres owned and
167 controlled by the same business entity and which contains
168 permanent exhibitions and a variety of recreational activities
169 and has a minimum of 1 million visitors annually.

170 ~~(14)(10)~~ "Third-party provider" means, for purposes of s.
171 509.049, any provider of an approved food safety training
172 program that provides training or such a training program to a
173 public food service establishment that is not under common
174 ownership or control with the provider.

175 ~~(16)(11)~~ "Transient establishment" means a ~~any~~ public
176 lodging establishment that is rented or leased to guests by an
177 operator whose intention is that such guests' occupancy will be
178 temporary.

179 ~~(17)(12)~~ "Transient occupancy" means occupancy when it is
180 the intention of the parties that the occupancy will be
181 temporary. There is a rebuttable presumption that, when the
182 dwelling unit occupied is not the sole residence of the guest,
183 the occupancy is transient.

184 ~~(15)(13)~~ "Transient" means a guest in transient occupancy.



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185 (6)~~(14)~~ "Nontransient establishment" means any public
186 lodging establishment that is rented or leased to guests by an
187 operator whose intention is that the dwelling unit occupied will
188 be the sole residence of the guest.

189 (7)~~(15)~~ "Nontransient occupancy" means occupancy when it is
190 the intention of the parties that the occupancy will not be
191 temporary. There is a rebuttable presumption that, when the
192 dwelling unit occupied is the sole residence of the guest, the
193 occupancy is nontransient.

194 (5)~~(16)~~ "Nontransient" means a guest in nontransient
195 occupancy.

196 Section 2. Effective upon this act becoming a law,
197 subsection (7) of section 509.032, Florida Statutes, is amended
198 to read:

199 509.032 Duties.—

200 (7) PREEMPTION AUTHORITY.—

201 (a) Advertising platforms, public lodging establishments,
202 and public food service establishments.—The regulation of
203 advertising platforms, public lodging establishments, and public
204 food service establishments, including, but not limited to,
205 sanitation standards, inspections, training and testing of
206 personnel, and matters related to the nutritional content and
207 marketing of foods offered in such establishments, is preempted
208 to the state. This paragraph does not preempt the authority of a
209 local government or local enforcement district to conduct
210 inspections of public lodging and public food service
211 establishments for compliance with the Florida Building Code and
212 the Florida Fire Prevention Code, pursuant to ss. 553.80 and
213 633.206.



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214 (b) Vacation rentals.—
215 1. The Legislature finds that:
216 a. Property owners who choose to use their property as a
217 vacation rental have constitutionally protected property rights
218 and other rights that must be protected, including the right to
219 use their residential property as a vacation rental;
220 b. Vacation rentals play a significant, unique, and
221 critical role in Florida's tourism industry, and that role is
222 different from other types of public lodging establishments;
223 c. There are factors unique to the ownership and operation
224 of a vacation rental; and
225 d. Vacation rentals are residential in nature, a
226 residential use and thus are allowed in residential
227 neighborhoods.
228 2. Except as provided under this paragraph, the regulation
229 of vacation rentals, including, but not limited to, inspection,
230 licensure, and occupancy limits, is expressly preempted to the
231 state.
232 3. A local law, ordinance, or regulation may regulate
233 activities that arise when a property is used as a vacation
234 rental if the law, ordinance, or regulation applies uniformly to
235 all residential properties without regard to whether the
236 property is used as a vacation rental as defined in s. 509.242,
237 the property is used as a long-term rental subject to chapter
238 83, or the property owner chooses not to rent the property.
239 However, a local law, ordinance, or regulation may not prohibit
240 vacation rentals, impose occupancy limits, or regulate the
241 duration or frequency of rental of vacation rentals.
242 4. A local law, ordinance, or regulation may not allow or



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243 require the inspection or licensing of vacation rentals.

244 5. A court of law shall determine if a local law,
245 ordinance, or regulation complies with this section without
246 regard to any assertion in the local law, ordinance, or
247 regulation that it complies. In all actions brought pursuant to
248 this section, the political subdivision that enacted the local
249 law, ordinance, or regulation shall establish by clear and
250 convincing evidence that the local law, ordinance, or regulation
251 complies with this section ~~This paragraph does not apply to any~~
252 ~~local law, ordinance, or regulation adopted on or before June 1,~~
253 ~~2011.~~

254 6. ~~(e)~~ This paragraph ~~(b)~~ does not apply to any local law,
255 ordinance, or regulation exclusively relating to property
256 valuation as a criterion for vacation rental if the local law,
257 ordinance, or regulation is required to be approved by the state
258 land planning agency pursuant to an area of critical state
259 concern designation.

260 Section 3. Subsections (2) and (3) of section 509.241,
261 Florida Statutes, are amended to read:

262 509.241 Licenses required; exceptions.—

263 (2) APPLICATION FOR LICENSE.—

264 (a) Each person who plans to open a public lodging
265 establishment or a public food service establishment shall apply
266 for and receive a license from the division prior to the
267 commencement of operation. A condominium association, as defined
268 in s. 718.103, which does not own any units classified as
269 vacation rentals or timeshare projects under s. 509.242(1)(c) or
270 (g) is not required to apply for or receive a public lodging
271 establishment license.



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272 (b) Each person applying for a vacation rental license
273 shall provide the name, address, telephone number, and e-mail
274 address of the person the division may contact when a complaint
275 related to a vacation rental is reported. The division shall
276 make vacation rental license information, including the contact
277 person, available to the public on the division's website.

278 (3) DISPLAY OF LICENSE.—Any license issued by the division
279 must ~~shall~~ be conspicuously displayed to the public inside of ~~in~~
280 the ~~office or lobby of the~~ licensed establishment. Public food
281 service establishments that ~~which~~ offer catering services must
282 ~~shall~~ display their license number on all advertising for
283 catering services. The operator of a vacation rental or a unit
284 in a transient or nontransient apartment that is offered for
285 transient occupancy shall display its license number in all
286 advertising for such rentals.

287 Section 4. Paragraph (c) of subsection (1) of section
288 509.242, Florida Statutes, is amended to read:

289 509.242 Public lodging establishments; classifications.—

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

294 (c) *Vacation rental.*—A vacation rental is a ~~any~~ unit or
295 group of units in a condominium or cooperative or in an ~~any~~
296 individually or collectively owned single-family, two-family,
297 three-family, or four-family house or dwelling unit which ~~that~~
298 is ~~also~~ a transient public lodging establishment but ~~that is~~ not
299 a timeshare project.

300 Section 5. Section 509.243, Florida Statutes, is created to



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301 read:

302 509.243 Advertising platforms.—

303 (1) An advertising platform may facilitate a booking
304 transaction for a transient guest's rental of a transient public
305 lodging establishment located in this state if the advertising
306 platform is registered with the division. The division shall
307 issue a registration to each person who meets the requirements
308 of this section and the rules adopted hereunder.

309 (2) An advertising platform shall:

310 (a) Designate and maintain on file with the division an
311 agent for service of process in this state;

312 (b) Disclose in its terms and conditions the reporting
313 requirements of s. 509.101(2); and

314 (c) Take down an offending advertisement or listing from
315 its online application, software, website, or system within 30
316 business days after being notified by the division in writing
317 that the advertisement or listing for the rental of a transient
318 public lodging establishment located in this state fails to
319 display a valid license number issued by the division.

320 (3) A person who has operated or is operating in violation
321 of this section or the rules of the division may be subject by
322 the division to fines of up to \$250 per offense, not to exceed
323 \$5,000 in the aggregate.

324 Section 6. Subsection (12) of section 159.27, Florida
325 Statutes, is amended to read:

326 159.27 Definitions.—The following words and terms, unless
327 the context clearly indicates a different meaning, shall have
328 the following meanings:

329 (12) "Public lodging or restaurant facility" means property



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330 used for any public lodging establishment as defined in s.
331 509.242 or public food service establishment as defined in s.
332 509.013 ~~s. 509.013(5)~~ if it is part of the complex of, or
333 necessary to, another facility qualifying under this part.

334 Section 7. Paragraph (jj) of subsection (7) of section
335 212.08, Florida Statutes, is amended to read:

336 212.08 Sales, rental, use, consumption, distribution, and
337 storage tax; specified exemptions.—The sale at retail, the
338 rental, the use, the consumption, the distribution, and the
339 storage to be used or consumed in this state of the following
340 are hereby specifically exempt from the tax imposed by this
341 chapter.

342 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
343 entity by this chapter do not inure to any transaction that is
344 otherwise taxable under this chapter when payment is made by a
345 representative or employee of the entity by any means,
346 including, but not limited to, cash, check, or credit card, even
347 when that representative or employee is subsequently reimbursed
348 by the entity. In addition, exemptions provided to any entity by
349 this subsection do not inure to any transaction that is
350 otherwise taxable under this chapter unless the entity has
351 obtained a sales tax exemption certificate from the department
352 or the entity obtains or provides other documentation as
353 required by the department. Eligible purchases or leases made
354 with such a certificate must be in strict compliance with this
355 subsection and departmental rules, and any person who makes an
356 exempt purchase with a certificate that is not in strict
357 compliance with this subsection and the rules is liable for and
358 shall pay the tax. The department may adopt rules to administer



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359 this subsection.

360 (jj) *Complimentary meals.*—Also exempt from the tax imposed
361 by this chapter are food or drinks that are furnished as part of
362 a packaged room rate by any person offering for rent or lease
363 any transient living accommodations as described in s.

364 509.013(10) (a) ~~s. 509.013(4) (a)~~ which are licensed under part I
365 of chapter 509 and which are subject to the tax under s. 212.03,
366 if a separate charge or specific amount for the food or drinks
367 is not shown. Such food or drinks are considered to be sold at
368 retail as part of the total charge for the transient living
369 accommodations. Moreover, the person offering the accommodations
370 is not considered to be the consumer of items purchased in
371 furnishing such food or drinks and may purchase those items
372 under conditions of a sale for resale.

373 Section 8. Paragraph (b) of subsection (4) of section
374 316.1955, Florida Statutes, is amended to read:

375 316.1955 Enforcement of parking requirements for persons
376 who have disabilities.—

377 (4)

378 (b) Notwithstanding paragraph (a), a theme park or an
379 entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~
380 which provides parking in designated areas for persons who have
381 disabilities may allow any vehicle that is transporting a person
382 who has a disability to remain parked in a space reserved for
383 persons who have disabilities throughout the period the theme
384 park is open to the public for that day.

385 Section 9. Subsection (5) of section 404.056, Florida
386 Statutes, is amended to read:

387 404.056 Environmental radiation standards and projects;



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388 certification of persons performing measurement or mitigation
389 services; mandatory testing; notification on real estate
390 documents; rules.—

391 (5) NOTIFICATION ON REAL ESTATE DOCUMENTS.—Notification
392 shall be provided on at least one document, form, or application
393 executed at the time of, or prior to, contract for sale and
394 purchase of any building or execution of a rental agreement for
395 any building. Such notification shall contain the following
396 language:

397

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

405

406 The requirements of this subsection do not apply to any
407 residential transient occupancy, as described in s. 509.013 ~~s.~~
408 ~~509.013(12)~~, provided that such occupancy is 45 days or less in
409 duration.

410 Section 10. Subsection (6) of section 477.0135, Florida
411 Statutes, is amended to read:

412 477.0135 Exemptions.—

413 (6) A license is not required of any individual providing
414 makeup or special effects services in a theme park or
415 entertainment complex to an actor, stunt person, musician,
416 extra, or other talent, or providing makeup or special effects



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417 services to the general public. The term "theme park or
418 entertainment complex" has the same meaning as in s. 509.013 ~~s.~~
419 ~~509.013(9)~~.

420 Section 11. Paragraph (c) of subsection (3) of section
421 509.032, Florida Statutes, is amended to read:

422 509.032 Duties.—

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

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

428 1. Sponsors of temporary food service events shall notify
429 the division not less than 3 days before the scheduled event of
430 the type of food service proposed, the time and location of the
431 event, a complete list of food service vendors participating in
432 the event, the number of individual food service facilities each
433 vendor will operate at the event, and the identification number
434 of each food service vendor's current license as a public food
435 service establishment or temporary food service event licensee.
436 Notification may be completed orally, by telephone, in person,
437 or in writing. A public food service establishment or food
438 service vendor may not use this notification process to
439 circumvent the license requirements of this chapter.

440 2. The division shall keep a record of all notifications
441 received for proposed temporary food service events and shall
442 provide appropriate educational materials to the event sponsors
443 and notify the event sponsors of the availability of the food-
444 recovery brochure developed under s. 595.420.

445 3.a. Unless excluded under s. 509.013(9)(b) ~~s.~~



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446 ~~509.013(5)(b)~~, a public food service establishment or other food
447 service vendor must obtain one of the following classes of
448 license from the division: an individual license, for a fee of
449 no more than \$105, for each temporary food service event in
450 which it participates; or an annual license, for a fee of no
451 more than \$1,000, that entitles the licensee to participate in
452 an unlimited number of food service events during the license
453 period. The division shall establish license fees, by rule, and
454 may limit the number of food service facilities a licensee may
455 operate at a particular temporary food service event under a
456 single license.

457 b. Public food service establishments holding current
458 licenses from the division may operate under the regulations of
459 such a license at temporary food service events.

460 Section 12. Paragraph (b) of subsection (2) of section
461 509.221, Florida Statutes, is amended to read:

462 509.221 Sanitary regulations.—

463 (2)

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

468 Section 13. Paragraph (b) of subsection (5) of section
469 553.5041, Florida Statutes, is amended to read:

470 553.5041 Parking spaces for persons who have disabilities.—

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

474 (b) If there are multiple entrances or multiple retail



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475 stores, the parking spaces must be dispersed to provide parking
476 at the nearest accessible entrance. If a theme park or an
477 entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~
478 provides parking in several lots or areas from which access to
479 the theme park or entertainment complex is provided, a single
480 lot or area may be designated for parking by persons who have
481 disabilities, if the lot or area is located on the shortest
482 accessible route to an accessible entrance to the theme park or
483 entertainment complex or to transportation to such an accessible
484 entrance.

485 Section 14. Section 717.1355, Florida Statutes, is amended
486 to read:

487 717.1355 Theme park and entertainment complex tickets.—This
488 chapter does not apply to any tickets for admission to a theme
489 park or entertainment complex as defined in s. 509.013 ~~s.~~
490 ~~509.013(9)~~, or to any tickets to a permanent exhibition or
491 recreational activity within such theme park or entertainment
492 complex.

493 Section 15. Subsection (8) of section 877.24, Florida
494 Statutes, is amended to read:

495 877.24 Nonapplication of s. 877.22.—Section 877.22 does not
496 apply to a minor who is:

497 (8) Attending an organized event held at and sponsored by a
498 theme park or entertainment complex as defined in s. 509.013 ~~s.~~
499 ~~509.013(9)~~.

500 Section 16. For the purpose of incorporating the amendment
501 made by this act to section 509.013, Florida Statutes, in a
502 reference thereto, paragraph (a) of subsection (1) of section
503 196.199, Florida Statutes, is reenacted to read:



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504 196.199 Government property exemption.—

505 (1) Property owned and used by the following governmental
506 units shall be exempt from taxation under the following
507 conditions:

508 (a)1. All property of the United States is exempt from ad
509 valorem taxation, except such property as is subject to tax by
510 this state or any political subdivision thereof or any
511 municipality under any law of the United States.

512 2. Notwithstanding any other provision of law, for purposes of
513 the exemption from ad valorem taxation provided in subparagraph
514 1., property of the United States includes any leasehold
515 interest of and improvements affixed to land owned by the United
516 States, any branch of the United States Armed Forces, or any
517 agency or quasi-governmental agency of the United States if the
518 leasehold interest and improvements are acquired or constructed
519 and used pursuant to the federal Military Housing Privatization
520 Initiative of 1996, 10 U.S.C. ss. 2871 et seq. As used in this
521 subparagraph, the term "improvements" includes actual housing
522 units and any facilities that are directly related to such
523 housing units, including any housing maintenance facilities,
524 housing rental and management offices, parks and community
525 centers, and recreational facilities. Any leasehold interest and
526 improvements described in this subparagraph, regardless of
527 whether title is held by the United States, shall be construed
528 as being owned by the United States, the applicable branch of
529 the United States Armed Forces, or the applicable agency or
530 quasi-governmental agency of the United States and are exempt
531 from ad valorem taxation without the necessity of an application
532 for exemption being filed or approved by the property appraiser.



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533 This subparagraph does not apply to a transient public lodging
534 establishment as defined in s. 509.013 and does not affect any
535 existing agreement to provide municipal services by a
536 municipality or county.

537 Section 17. For the purpose of incorporating the amendment
538 made by this act to section 509.013, Florida Statutes, in a
539 reference thereto, paragraph (a) of subsection (1) of section
540 212.031, Florida Statutes, is reenacted to read:

541 212.031 Tax on rental or license fee for use of real
542 property.—

543 (1) (a) It is declared to be the legislative intent that
544 every person is exercising a taxable privilege who engages in
545 the business of renting, leasing, letting, or granting a license
546 for the use of any real property unless such property is:

547 1. Assessed as agricultural property under s. 193.461.
548 2. Used exclusively as dwelling units.
549 3. Property subject to tax on parking, docking, or storage
550 spaces under s. 212.03(6).

551 4. Recreational property or the common elements of a
552 condominium when subject to a lease between the developer or
553 owner thereof and the condominium association in its own right
554 or as agent for the owners of individual condominium units or
555 the owners of individual condominium units. However, only the
556 lease payments on such property shall be exempt from the tax
557 imposed by this chapter, and any other use made by the owner or
558 the condominium association shall be fully taxable under this
559 chapter.

560 5. A public or private street or right-of-way and poles,
561 conduits, fixtures, and similar improvements located on such



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562 streets or rights-of-way, occupied or used by a utility or
563 provider of communications services, as defined by s. 202.11,
564 for utility or communications or television purposes. For
565 purposes of this subparagraph, the term "utility" means any
566 person providing utility services as defined in s. 203.012. This
567 exception also applies to property, wherever located, on which
568 the following are placed: towers, antennas, cables, accessory
569 structures, or equipment, not including switching equipment,
570 used in the provision of mobile communications services as
571 defined in s. 202.11. For purposes of this chapter, towers used
572 in the provision of mobile communications services, as defined
573 in s. 202.11, are considered to be fixtures.

574 6. A public street or road which is used for transportation
575 purposes.

576 7. Property used at an airport exclusively for the purpose
577 of aircraft landing or aircraft taxiing or property used by an
578 airline for the purpose of loading or unloading passengers or
579 property onto or from aircraft or for fueling aircraft.

580 8.a. Property used at a port authority, as defined in s.
581 315.02(2), exclusively for the purpose of oceangoing vessels or
582 tugs docking, or such vessels mooring on property used by a port
583 authority for the purpose of loading or unloading passengers or
584 cargo onto or from such a vessel, or property used at a port
585 authority for fueling such vessels, or to the extent that the
586 amount paid for the use of any property at the port is based on
587 the charge for the amount of tonnage actually imported or
588 exported through the port by a tenant.

589 b. The amount charged for the use of any property at the
590 port in excess of the amount charged for tonnage actually



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591 imported or exported shall remain subject to tax except as
592 provided in sub-subparagraph a.

593 9. Property used as an integral part of the performance of
594 qualified production services. As used in this subparagraph, the
595 term "qualified production services" means any activity or
596 service performed directly in connection with the production of
597 a qualified motion picture, as defined in s. 212.06(1)(b), and
598 includes:

599 a. Photography, sound and recording, casting, location
600 managing and scouting, shooting, creation of special and optical
601 effects, animation, adaptation (language, media, electronic, or
602 otherwise), technological modifications, computer graphics, set
603 and stage support (such as electricians, lighting designers and
604 operators, greensmen, prop managers and assistants, and grips),
605 wardrobe (design, preparation, and management), hair and makeup
606 (design, production, and application), performing (such as
607 acting, dancing, and playing), designing and executing stunts,
608 coaching, consulting, writing, scoring, composing,
609 choreographing, script supervising, directing, producing,
610 transmitting dailies, dubbing, mixing, editing, cutting,
611 looping, printing, processing, duplicating, storing, and
612 distributing;

613 b. The design, planning, engineering, construction,
614 alteration, repair, and maintenance of real or personal property
615 including stages, sets, props, models, paintings, and facilities
616 principally required for the performance of those services
617 listed in sub-subparagraph a.; and

618 c. Property management services directly related to
619 property used in connection with the services described in sub-



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620 subparagraphs a. and b.

621

622 This exemption will inure to the taxpayer upon presentation of
623 the certificate of exemption issued to the taxpayer under the
624 provisions of s. 288.1258.

625 10. Leased, subleased, licensed, or rented to a person
626 providing food and drink concessionaire services within the
627 premises of a convention hall, exhibition hall, auditorium,
628 stadium, theater, arena, civic center, performing arts center,
629 publicly owned recreational facility, or any business operated
630 under a permit issued pursuant to chapter 550. A person
631 providing retail concessionaire services involving the sale of
632 food and drink or other tangible personal property within the
633 premises of an airport shall be subject to tax on the rental of
634 real property used for that purpose, but shall not be subject to
635 the tax on any license to use the property. For purposes of this
636 subparagraph, the term "sale" shall not include the leasing of
637 tangible personal property.

638 11. Property occupied pursuant to an instrument calling for
639 payments which the department has declared, in a Technical
640 Assistance Advisement issued on or before March 15, 1993, to be
641 nontaxable pursuant to rule 12A-1.070(19)(c), Florida
642 Administrative Code; provided that this subparagraph shall only
643 apply to property occupied by the same person before and after
644 the execution of the subject instrument and only to those
645 payments made pursuant to such instrument, exclusive of renewals
646 and extensions thereof occurring after March 15, 1993.

647 12. Property used or occupied predominantly for space
648 flight business purposes. As used in this subparagraph, "space



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649 flight business" means the manufacturing, processing, or
650 assembly of a space facility, space propulsion system, space
651 vehicle, satellite, or station of any kind possessing the
652 capacity for space flight, as defined by s. 212.02(23), or
653 components thereof, and also means the following activities
654 supporting space flight: vehicle launch activities, flight
655 operations, ground control or ground support, and all
656 administrative activities directly related thereto. Property
657 shall be deemed to be used or occupied predominantly for space
658 flight business purposes if more than 50 percent of the
659 property, or improvements thereon, is used for one or more space
660 flight business purposes. Possession by a landlord, lessor, or
661 licensor of a signed written statement from the tenant, lessee,
662 or licensee claiming the exemption shall relieve the landlord,
663 lessor, or licensor from the responsibility of collecting the
664 tax, and the department shall look solely to the tenant, lessee,
665 or licensee for recovery of such tax if it determines that the
666 exemption was not applicable.

667 13. Rented, leased, subleased, or licensed to a person
668 providing telecommunications, data systems management, or
669 Internet services at a publicly or privately owned convention
670 hall, civic center, or meeting space at a public lodging
671 establishment as defined in s. 509.013. This subparagraph
672 applies only to that portion of the rental, lease, or license
673 payment that is based upon a percentage of sales, revenue
674 sharing, or royalty payments and not based upon a fixed price.
675 This subparagraph is intended to be clarifying and remedial in
676 nature and shall apply retroactively. This subparagraph does not
677 provide a basis for an assessment of any tax not paid, or create



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678 a right to a refund of any tax paid, pursuant to this section
679 before July 1, 2010.

680 Section 18. For the purpose of incorporating the amendment
681 made by this act to section 509.013, Florida Statutes, in a
682 reference thereto, paragraph (c) of subsection (1) of section
683 413.08, Florida Statutes, is reenacted to read:

684 413.08 Rights and responsibilities of an individual with a
685 disability; use of a service animal; prohibited discrimination
686 in public employment, public accommodations, and housing
687 accommodations; penalties.—

688 (1) As used in this section and s. 413.081, the term:

689 (c) "Public accommodation" means a common carrier,
690 airplane, motor vehicle, railroad train, motor bus, streetcar,
691 boat, or other public conveyance or mode of transportation;
692 hotel; a timeshare that is a transient public lodging
693 establishment as defined in s. 509.013; lodging place; place of
694 public accommodation, amusement, or resort; and other places to
695 which the general public is invited, subject only to the
696 conditions and limitations established by law and applicable
697 alike to all persons. The term does not include air carriers
698 covered by the Air Carrier Access Act of 1986, 49 U.S.C. s.
699 41705, and by regulations adopted by the United States
700 Department of Transportation to implement such act.

701 Section 19. For the purpose of incorporating the amendment
702 made by this act to section 509.242, Florida Statutes, in a
703 reference thereto, subsection (9) of section 509.221, Florida
704 Statutes, is reenacted to read:

705 509.221 Sanitary regulations.—

706 (9) Subsections (2), (5), and (6) do not apply to any



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707 facility or unit classified as a vacation rental, nontransient
708 apartment, or timeshare project as described in s.
709 509.242(1)(c), (d), and (g).

710 Section 20. The Legislature does not intend for the
711 application of this act to supersede any current or future
712 declaration or declaration of condominium adopted pursuant to
713 chapter 718, Florida Statutes, cooperative documents adopted
714 pursuant to chapter 719, Florida Statutes, or declaration of
715 covenants or declaration adopted pursuant to chapter 720,
716 Florida Statutes.

717 Section 21. If any provision of this act or its application
718 to any person or circumstance is held invalid, the invalidity
719 does not affect other provisions or applications of the act
720 which can be given effect without the invalid provision or
721 application, and to this end the provisions of this act are
722 severable.

723 Section 22. Except as otherwise expressly provided in this
724 act, and except for this section and section 20 of this act,
725 which shall take effect upon this act becoming a law, this act
726 shall take effect January 1, 2020.

727
728 ===== T I T L E A M E N D M E N T =====

729 And the title is amended as follows:

730 Delete everything before the enacting clause
731 and insert:

732 A bill to be entitled
733 An act relating to vacation rentals; amending s.
734 509.013, F.S.; defining and redefining terms; amending
735 s. 509.032, F.S.; preempting the regulation of



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736 advertising platforms and vacation rentals to the
737 state; providing an exception; providing legislative
738 findings; requiring a court of law to determine
739 compliance with specified provisions; amending s.
740 509.241, F.S.; requiring each person applying for a
741 vacation rental license to provide the Division of
742 Hotels and Restaurants of the Department of Business
743 and Professional Regulation with specified
744 information; requiring the division to make vacation
745 rental license information available to the public on
746 the division's website; requiring licenses issued by
747 the division to be displayed conspicuously to the
748 public; requiring the operator of a vacation rental or
749 specified public lodging establishment to display its
750 license number in advertisements; amending s. 509.242,
751 F.S.; revising the criteria for a public lodging
752 establishment to be classified as a vacation rental;
753 creating s. 509.243, F.S.; authorizing an advertising
754 platform to facilitate booking transactions under
755 certain circumstances; requiring an advertising
756 platform to designate and maintain on file with the
757 division an agent for service of process in this
758 state, disclose certain reporting requirements in its
759 terms and conditions, and remove a listing under
760 certain circumstances; providing penalties; amending
761 ss. 159.27, 212.08, 316.1955, 404.056, 477.0135,
762 509.032, 509.221, 553.5041, 717.1355, and 877.24,
763 F.S.; conforming cross-references; reenacting ss.
764 196.199(1)(a), 212.031(1)(a), and 413.08(1)(c),



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765 relating to government property exemption, tax on
766 rental or license fee for use of real property, and
767 prohibited discrimination in public employment, public
768 accommodations, and housing accommodations,
769 respectively, to incorporate the amendments made to s.
770 509.013, F.S., in references thereto; reenacting s.
771 509.221(9), F.S., relating to sanitary regulations, to
772 incorporate the amendment made to s. 509.242, F.S., in
773 a reference thereto; providing applicability;
774 providing severability; providing effective dates.