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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 a person who provides an
online application, software, website, system, or print
advertisement through which a transient public lodging



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11 establishment located in this state is advertised or held out to
12 the public as available to rent for transient occupancy. The
13 term does not include the multiple listing service or an online
14 or print advertisement of a transient public lodging
15 establishment by a real estate broker or sales associate
16 licensed under chapter 475; however, a real estate broker or
17 sales associate licensed under chapter 475 must comply with s.
18 509.243(2)(c) and (3).

19
20 (3)~~(1)~~ "Division" means the Division of Hotels and
21 Restaurants of the Department of Business and Professional
22 Regulation.

23 (8)~~(2)~~ "Operator" means the owner, licensee, proprietor,
24 lessee, manager, assistant manager, or appointed agent of a
25 public lodging establishment or public food service
26 establishment.

27 (4)~~(3)~~ "Guest" means any patron, customer, tenant, lodger,
28 boarder, or occupant of a public lodging establishment or public
29 food service establishment.

30 (10)(a)~~(4)(a)~~ "Public lodging establishment" includes a
31 transient public lodging establishment as defined in
32 subparagraph 1. and a nontransient public lodging establishment
33 as defined in subparagraph 2.

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



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40 to guests for less than 30 days or 1 calendar month. The term
41 includes a unit that is advertised for rent by an advertising
42 platform.

43 2. "Nontransient public lodging establishment" means any
44 unit, group of units, dwelling, building, or group of buildings
45 within a single complex of buildings which is rented to guests
46 for periods of at least 30 days or 1 calendar month, whichever
47 is less, or which is advertised or held out to the public as a
48 place regularly rented to guests for periods of at least 30 days
49 or 1 calendar month.

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

55 (b) The following are excluded from the definitions in
56 paragraph (a):

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

60 2. Any facility certified or licensed and regulated by the
61 Agency for Health Care Administration or the Department of
62 Children and Families or other similar place regulated under s.
63 381.0072.

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

67 4. Any unit or group of units in a condominium,
68 cooperative, or timeshare plan and any individually or



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69 collectively owned one-family, two-family, three-family, or
70 four-family dwelling house or dwelling unit that is rented for
71 periods of at least 30 days or 1 calendar month, whichever is
72 less, and that is not advertised or held out to the public as a
73 place regularly rented for periods of less than 1 calendar
74 month, provided that no more than four rental units within a
75 single complex of buildings are available for rent.

76 5. Any migrant labor camp or residential migrant housing
77 permitted by the Department of Health under ss. 381.008-
78 381.00895.

79 6. Any establishment inspected by the Department of Health
80 and regulated by chapter 513.

81 7. Any nonprofit organization that operates a facility
82 providing housing only to patients, patients' families, and
83 patients' caregivers and not to the general public.

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

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

96 (9) (a) (5) (a) "Public food service establishment" means any
97 building, vehicle, place, or structure, or any room or division



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98 in a building, vehicle, place, or structure where food is
99 prepared, served, or sold for immediate consumption on or in the
100 vicinity of the premises; called for or taken out by customers;
101 or prepared prior to being delivered to another location for
102 consumption. The term includes a culinary education program, as
103 defined in s. 381.0072(2), which offers, prepares, serves, or
104 sells food to the general public, regardless of whether it is
105 inspected by another state agency for compliance with sanitation
106 standards.

107 (b) The following are excluded from the definition in
108 paragraph (a):

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

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

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

114 2. Any eating place maintained and operated by a church or
115 a religious, nonprofit fraternal, or nonprofit civic
116 organization:

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

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

120

121 Upon request by the division, a church or a religious, nonprofit
122 fraternal, or nonprofit civic organization claiming an exclusion
123 under this subparagraph must provide the division documentation
124 of its status as a church or a religious, nonprofit fraternal,
125 or nonprofit civic organization.

126 3. Any eating place maintained and operated by an



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127 individual or entity at a food contest, cook-off, or a temporary
128 event lasting from 1 to 3 days which is hosted by a church or a
129 religious, nonprofit fraternal, or nonprofit civic organization.
130 Upon request by the division, the event host must provide the
131 division documentation of its status as a church or a religious,
132 nonprofit fraternal, or nonprofit civic organization.

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

135 5. Any eating place maintained by a facility certified or
136 licensed and regulated by the Agency for Health Care
137 Administration or the Department of Children and Families or
138 other similar place that is regulated under s. 381.0072.

139 6. Any place of business issued a permit or inspected by
140 the Department of Agriculture and Consumer Services under s.
141 500.12.

142 7. Any place of business where the food available for
143 consumption is limited to ice, beverages with or without
144 garnishment, popcorn, or prepackaged items sold without
145 additions or preparation.

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

149 9. Any vending machine that dispenses any food or beverages
150 other than potentially hazardous foods, as defined by division
151 rule.

152 10. Any vending machine that dispenses potentially
153 hazardous food and which is located in a facility regulated
154 under s. 381.0072.

155 11. Any research and development test kitchen limited to



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156 the use of employees and which is not open to the general
157 public.

158 (2)~~(6)~~ "Director" means the Director of the Division of
159 Hotels and Restaurants of the Department of Business and
160 Professional Regulation.

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

166 (12)~~(8)~~ "Temporary food service event" means any event of
167 30 days or less in duration where food is prepared, served, or
168 sold to the general public.

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

174 (14)~~(10)~~ "Third-party provider" means, for purposes of s.
175 509.049, any provider of an approved food safety training
176 program that provides training or such a training program to a
177 public food service establishment that is not under common
178 ownership or control with the provider.

179 (16)~~(11)~~ "Transient establishment" means a ~~any~~ public
180 lodging establishment that is rented or leased to guests by an
181 operator whose intention is that such guests' occupancy will be
182 temporary.

183 (17)~~(12)~~ "Transient occupancy" means occupancy when it is
184 the intention of the parties that the occupancy will be



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185 temporary. There is a rebuttable presumption that, when the
186 dwelling unit occupied is not the sole residence of the guest,
187 the occupancy is transient.

188 ~~(15)-(13)~~ "Transient" means a guest in transient occupancy.

189 ~~(6)-(14)~~ "Nontransient establishment" means any public
190 lodging establishment that is rented or leased to guests by an
191 operator whose intention is that the dwelling unit occupied will
192 be the sole residence of the guest.

193 ~~(7)-(15)~~ "Nontransient occupancy" means occupancy when it is
194 the intention of the parties that the occupancy will not be
195 temporary. There is a rebuttable presumption that, when the
196 dwelling unit occupied is the sole residence of the guest, the
197 occupancy is nontransient.

198 ~~(5)-(16)~~ "Nontransient" means a guest in nontransient
199 occupancy.

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

203 509.032 Duties.—

204 (7) PREEMPTION AUTHORITY.—

205 (a) Advertising platforms, public lodging establishments
206 and public food service establishments.—The regulation of
207 advertising platforms is preempted to the state. The regulation
208 of public lodging establishments and public food service
209 establishments, including, but not limited to, sanitation
210 standards, inspections, training and testing of personnel, and
211 matters related to the nutritional content and marketing of
212 foods offered in such establishments, is preempted to the state.
213 This paragraph does not preempt the authority of a local



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214 government or local enforcement district to conduct inspections
215 of public lodging and public food service establishments for
216 compliance with the Florida Building Code and the Florida Fire
217 Prevention Code, pursuant to ss. 553.80 and 633.206.

218 (b) Vacation rentals.—

219 1. The Legislature finds that:

220 a. Property owners who choose to use their property as a
221 vacation rental have constitutionally protected property rights
222 and other rights that must be protected, including the right to
223 use their residential property as a vacation rental;

224 b. Vacation rentals play a significant, unique, and
225 critical role in Florida's tourism industry, and that role is
226 different from other types of public lodging establishments;

227 c. There are factors unique to the ownership and operation
228 of a vacation rental; and

229 d. Vacation rentals are residential in nature, a
230 residential use and thus are allowed in residential
231 neighborhoods.

232 2. Except as provided under this paragraph, the regulation
233 of vacation rentals, including, but not limited to, inspection,
234 licensure, and occupancy limits, is expressly preempted to the
235 state.

236 3. A local law, ordinance, or regulation may regulate
237 activities that arise when a property is used as a vacation
238 rental if the law, ordinance, or regulation applies uniformly to
239 all residential properties without regard to whether the
240 property is used as a vacation rental as defined in s. 509.242,
241 the property is used as a long-term rental subject to chapter
242 83, or the property owner chooses not to rent the property.



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243 However, a local law, ordinance, or regulation may not prohibit
244 vacation rentals, impose occupancy limits, or regulate the
245 duration or frequency of rental of vacation rentals.

246 4. A local law, ordinance, or regulation may not allow or
247 require the inspection or licensing of vacation rentals.

248 5. A court of law shall determine if a local law,
249 ordinance, or regulation complies with this section without
250 regard to any assertion in the local law, ordinance, or
251 regulation that it complies. In all actions brought pursuant to
252 this section, the political subdivision that enacted the local
253 law, ordinance, or regulation shall establish by clear and
254 convincing evidence that the local law, ordinance, or regulation
255 complies with this section ~~This paragraph does not apply to any~~
256 ~~local law, ordinance, or regulation adopted on or before June 1,~~
257 ~~2011.~~

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

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

266 509.241 Licenses required; exceptions.—

267 (2) APPLICATION FOR LICENSE.—

268 (a) Each person who plans to open a public lodging
269 establishment or a public food service establishment shall apply
270 for and receive a license from the division prior to the
271 commencement of operation. A condominium association, as defined



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272 in s. 718.103, which does not own any units classified as
273 vacation rentals or timeshare projects under s. 509.242(1)(c) or
274 (g) is not required to apply for or receive a public lodging
275 establishment license.

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

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

291 Section 4. Paragraph (c) of subsection (1) of section
292 509.242, Florida Statutes, is amended to read:

293 509.242 Public lodging establishments; classifications.—

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

298 (c) *Vacation rental*.—A vacation rental is a ~~any~~ unit or
299 group of units in a condominium or cooperative or in an ~~any~~
300 individually or collectively owned single-family, two-family,



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301 three-family, or four-family house or dwelling unit which ~~that~~
302 is ~~also~~ a transient public lodging establishment but ~~that is~~ not
303 a timeshare project.

304 Section 5. Section 509.243, Florida Statutes, is created to
305 read:

306 509.243 Advertising platforms.—

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

313 (2) An advertising platform shall:

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

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

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

324 (3) A person who has operated or is operating in violation
325 of this section or the rules of the division may be subject by
326 the division to fines of up to \$250 per offense, not to exceed
327 \$5,000 in the aggregate.

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



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330 159.27 Definitions.—The following words and terms, unless
331 the context clearly indicates a different meaning, shall have
332 the following meanings:

333 (12) “Public lodging or restaurant facility” means property
334 used for any public lodging establishment as defined in s.
335 509.242 or public food service establishment as defined in s.
336 509.013 ~~s. 509.013(5)~~ if it is part of the complex of, or
337 necessary to, another facility qualifying under this part.

338 Section 7. Paragraph (jj) of subsection (7) of section
339 212.08, Florida Statutes, is amended to read:

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

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



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359 subsection and departmental rules, and any person who makes an
360 exempt purchase with a certificate that is not in strict
361 compliance with this subsection and the rules is liable for and
362 shall pay the tax. The department may adopt rules to administer
363 this subsection.

364 (jj) *Complimentary meals.*—Also exempt from the tax imposed
365 by this chapter are food or drinks that are furnished as part of
366 a packaged room rate by any person offering for rent or lease
367 any transient living accommodations as described in s.
368 509.013(10) (a) ~~s. 509.013(4) (a)~~ which are licensed under part I
369 of chapter 509 and which are subject to the tax under s. 212.03,
370 if a separate charge or specific amount for the food or drinks
371 is not shown. Such food or drinks are considered to be sold at
372 retail as part of the total charge for the transient living
373 accommodations. Moreover, the person offering the accommodations
374 is not considered to be the consumer of items purchased in
375 furnishing such food or drinks and may purchase those items
376 under conditions of a sale for resale.

377 Section 8. Paragraph (b) of subsection (4) of section
378 316.1955, Florida Statutes, is amended to read:

379 316.1955 Enforcement of parking requirements for persons
380 who have disabilities.—

381 (4)

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



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388 park is open to the public for that day.

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

391 404.056 Environmental radiation standards and projects;
392 certification of persons performing measurement or mitigation
393 services; mandatory testing; notification on real estate
394 documents; rules.—

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

401
402 "RADON GAS: Radon is a naturally occurring radioactive gas
403 that, when it has accumulated in a building in sufficient
404 quantities, may present health risks to persons who are exposed
405 to it over time. Levels of radon that exceed federal and state
406 guidelines have been found in buildings in Florida. Additional
407 information regarding radon and radon testing may be obtained
408 from your county health department."
409

410 The requirements of this subsection do not apply to any
411 residential transient occupancy, as described in s. 509.013 ~~s.~~
412 ~~509.013(12)~~, provided that such occupancy is 45 days or less in
413 duration.

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

416 477.0135 Exemptions.—



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417 (6) A license is not required of any individual providing
418 makeup or special effects services in a theme park or
419 entertainment complex to an actor, stunt person, musician,
420 extra, or other talent, or providing makeup or special effects
421 services to the general public. The term "theme park or
422 entertainment complex" has the same meaning as in s. 509.013 ~~s.~~
423 ~~509.013(9)~~.

424 Section 11. Paragraph (c) of subsection (3) of section
425 509.032, Florida Statutes, is amended to read:

426 509.032 Duties.—

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

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

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

444 2. The division shall keep a record of all notifications
445 received for proposed temporary food service events and shall



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446 provide appropriate educational materials to the event sponsors
447 and notify the event sponsors of the availability of the food-
448 recovery brochure developed under s. 595.420.

449 3.a. Unless excluded under s. 509.013(9)(b) ~~s.~~
450 ~~509.013(5)(b)~~, a public food service establishment or other food
451 service vendor must obtain one of the following classes of
452 license from the division: an individual license, for a fee of
453 no more than \$105, for each temporary food service event in
454 which it participates; or an annual license, for a fee of no
455 more than \$1,000, that entitles the licensee to participate in
456 an unlimited number of food service events during the license
457 period. The division shall establish license fees, by rule, and
458 may limit the number of food service facilities a licensee may
459 operate at a particular temporary food service event under a
460 single license.

461 b. Public food service establishments holding current
462 licenses from the division may operate under the regulations of
463 such a license at temporary food service events.

464 Section 12. Paragraph (b) of subsection (2) of section
465 509.221, Florida Statutes, is amended to read:

466 509.221 Sanitary regulations.—

467 (2)

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

472 Section 13. Paragraph (b) of subsection (5) of section
473 553.5041, Florida Statutes, is amended to read:

474 553.5041 Parking spaces for persons who have disabilities.—



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

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

489 Section 14. Section 717.1355, Florida Statutes, is amended
490 to read:

491 717.1355 Theme park and entertainment complex tickets.—This
492 chapter does not apply to any tickets for admission to a theme
493 park or entertainment complex as defined in s. 509.013 ~~s.~~
494 ~~509.013(9)~~, or to any tickets to a permanent exhibition or
495 recreational activity within such theme park or entertainment
496 complex.

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

499 877.24 Nonapplication of s. 877.22.—Section 877.22 does not
500 apply to a minor who is:

501 (8) Attending an organized event held at and sponsored by a
502 theme park or entertainment complex as defined in s. 509.013 ~~s.~~
503 ~~509.013(9)~~.



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504 Section 16. For the purpose of incorporating the amendment
505 made by this act to section 509.013, Florida Statutes, in a
506 reference thereto, paragraph (a) of subsection (1) of section
507 196.199, Florida Statutes, is reenacted to read:

508 196.199 Government property exemption.—

509 (1) Property owned and used by the following governmental
510 units shall be exempt from taxation under the following
511 conditions:

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

516 2. Notwithstanding any other provision of law, for purposes of
517 the exemption from ad valorem taxation provided in subparagraph
518 1., property of the United States includes any leasehold
519 interest of and improvements affixed to land owned by the United
520 States, any branch of the United States Armed Forces, or any
521 agency or quasi-governmental agency of the United States if the
522 leasehold interest and improvements are acquired or constructed
523 and used pursuant to the federal Military Housing Privatization
524 Initiative of 1996, 10 U.S.C. ss. 2871 et seq. As used in this
525 subparagraph, the term "improvements" includes actual housing
526 units and any facilities that are directly related to such
527 housing units, including any housing maintenance facilities,
528 housing rental and management offices, parks and community
529 centers, and recreational facilities. Any leasehold interest and
530 improvements described in this subparagraph, regardless of
531 whether title is held by the United States, shall be construed
532 as being owned by the United States, the applicable branch of



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533 the United States Armed Forces, or the applicable agency or
534 quasi-governmental agency of the United States and are exempt
535 from ad valorem taxation without the necessity of an application
536 for exemption being filed or approved by the property appraiser.
537 This subparagraph does not apply to a transient public lodging
538 establishment as defined in s. 509.013 and does not affect any
539 existing agreement to provide municipal services by a
540 municipality or county.

541 Section 17. For the purpose of incorporating the amendment
542 made by this act to section 509.013, Florida Statutes, in a
543 reference thereto, paragraph (a) of subsection (1) of section
544 212.031, Florida Statutes, is reenacted to read:

545 212.031 Tax on rental or license fee for use of real
546 property.—

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

551 1. Assessed as agricultural property under s. 193.461.

552 2. Used exclusively as dwelling units.

553 3. Property subject to tax on parking, docking, or storage
554 spaces under s. 212.03(6).

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



562 the condominium association shall be fully taxable under this
563 chapter.

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

578 6. A public street or road which is used for transportation
579 purposes.

580 7. Property used at an airport exclusively for the purpose
581 of aircraft landing or aircraft taxiing or property used by an
582 airline for the purpose of loading or unloading passengers or
583 property onto or from aircraft or for fueling aircraft.

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



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591 the charge for the amount of tonnage actually imported or
592 exported through the port by a tenant.

593 b. The amount charged for the use of any property at the
594 port in excess of the amount charged for tonnage actually
595 imported or exported shall remain subject to tax except as
596 provided in sub-subparagraph a.

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

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

617 b. The design, planning, engineering, construction,
618 alteration, repair, and maintenance of real or personal property
619 including stages, sets, props, models, paintings, and facilities



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620 principally required for the performance of those services
621 listed in sub-subparagraph a.; and

622 c. Property management services directly related to
623 property used in connection with the services described in sub-
624 subparagraphs a. and b.

625
626 This exemption will inure to the taxpayer upon presentation of
627 the certificate of exemption issued to the taxpayer under the
628 provisions of s. 288.1258.

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

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



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649 payments made pursuant to such instrument, exclusive of renewals
650 and extensions thereof occurring after March 15, 1993.

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

671 13. Rented, leased, subleased, or licensed to a person
672 providing telecommunications, data systems management, or
673 Internet services at a publicly or privately owned convention
674 hall, civic center, or meeting space at a public lodging
675 establishment as defined in s. 509.013. This subparagraph
676 applies only to that portion of the rental, lease, or license
677 payment that is based upon a percentage of sales, revenue



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678 sharing, or royalty payments and not based upon a fixed price.
679 This subparagraph is intended to be clarifying and remedial in
680 nature and shall apply retroactively. This subparagraph does not
681 provide a basis for an assessment of any tax not paid, or create
682 a right to a refund of any tax paid, pursuant to this section
683 before July 1, 2010.

684 Section 18. For the purpose of incorporating the amendment
685 made by this act to section 509.013, Florida Statutes, in a
686 reference thereto, paragraph (c) of subsection (1) of section
687 413.08, Florida Statutes, is reenacted to read:

688 413.08 Rights and responsibilities of an individual with a
689 disability; use of a service animal; prohibited discrimination
690 in public employment, public accommodations, and housing
691 accommodations; penalties.—

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

693 (c) "Public accommodation" means a common carrier,
694 airplane, motor vehicle, railroad train, motor bus, streetcar,
695 boat, or other public conveyance or mode of transportation;
696 hotel; a timeshare that is a transient public lodging
697 establishment as defined in s. 509.013; lodging place; place of
698 public accommodation, amusement, or resort; and other places to
699 which the general public is invited, subject only to the
700 conditions and limitations established by law and applicable
701 alike to all persons. The term does not include air carriers
702 covered by the Air Carrier Access Act of 1986, 49 U.S.C. s.
703 41705, and by regulations adopted by the United States
704 Department of Transportation to implement such act.

705 Section 19. For the purpose of incorporating the amendment
706 made by this act to section 509.242, Florida Statutes, in a



707 reference thereto, subsection (9) of section 509.221, Florida
708 Statutes, is reenacted to read:

709 509.221 Sanitary regulations.—

710 (9) Subsections (2), (5), and (6) do not apply to any
711 facility or unit classified as a vacation rental, nontransient
712 apartment, or timeshare project as described in s.
713 509.242(1)(c), (d), and (g).

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

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

727 Section 22. Except as otherwise expressly provided in this
728 act, and except for this section and section 20 of this act,
729 which shall take effect upon this act becoming a law, this act
730 shall take effect January 1, 2020.

731
732 ===== T I T L E A M E N D M E N T =====

733 And the title is amended as follows:

734 Delete everything before the enacting clause
735 and insert:



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736 A bill to be entitled
737 An act relating to vacation rentals; amending s.
738 509.013, F.S.; defining and redefining terms; amending
739 s. 509.032, F.S.; preempting the regulation of
740 advertising platforms and vacation rentals to the
741 state; providing an exception; providing legislative
742 findings; requiring a court of law to determine
743 compliance with specified provisions; amending s.
744 509.241, F.S.; requiring each person applying for a
745 vacation rental license to provide the Division of
746 Hotels and Restaurants of the Department of Business
747 and Professional Regulation with specified
748 information; requiring the division to make vacation
749 rental license information available to the public on
750 the division's website; requiring licenses issued by
751 the division to be displayed conspicuously to the
752 public; requiring the operator of a vacation rental or
753 specified public lodging establishment to display its
754 license number in advertisements; amending s. 509.242,
755 F.S.; revising the criteria for a public lodging
756 establishment to be classified as a vacation rental;
757 creating s. 509.243, F.S.; authorizing an advertising
758 platform to facilitate booking transactions under
759 certain circumstances; requiring an advertising
760 platform to designate and maintain on file with the
761 division an agent for service of process in this
762 state, disclose certain reporting requirements in its
763 terms and conditions, and remove a listing under
764 certain circumstances; providing penalties; amending



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765 ss. 159.27, 212.08, 316.1955, 404.056, 477.0135,
766 509.032, 509.221, 553.5041, 717.1355, and 877.24,
767 F.S.; conforming cross-references; reenacting ss.
768 196.199(1)(a), 212.031(1)(a), and 413.08(1)(c),
769 relating to government property exemption, tax on
770 rental or license fee for use of real property, and
771 prohibited discrimination in public employment, public
772 accommodations, and housing accommodations,
773 respectively, to incorporate the amendments made to s.
774 509.013, F.S., in references thereto; reenacting s.
775 509.221(9), F.S., relating to sanitary regulations, to
776 incorporate the amendment made to s. 509.242, F.S., in
777 a reference thereto; providing applicability;
778 providing severability; providing effective dates.