

1 A bill to be entitled
 2 An act relating to vacation rentals; amending s.
 3 509.032, F.S.; providing legislative findings;
 4 preempting to the state regulation of vacation
 5 rentals; providing construction; providing an
 6 exception; amending s. 509.241, F.S.; revising
 7 application requirements for vacation rental
 8 licensure; requiring the Division of Hotels and
 9 Restaurants of the Department of Business and
 10 Professional Regulation to make certain vacation
 11 rental license information available to the public on
 12 its website; providing an effective date.

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

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 16 Section 1. Paragraph (b) of subsection (7) of section
 17 509.032, Florida Statutes, is amended to read:

18 509.032 Duties.—

19 (7) PREEMPTION AUTHORITY.—

20 (b) 1. The Legislature finds that:

21 a. Property owners who use their residential property as a
 22 vacation rental have constitutionally protected property rights
 23 and other rights that must be protected, including the right to
 24 use their residential property as a vacation rental.

25 b. Vacation rentals play a significant, unique, and

26 critical role in the state's tourism industry, and that role,
27 including the factors related to the ownership and operation of
28 such rentals, is different from other types of public lodging
29 establishments.

30 c. Vacation rentals are residential in nature, residential
31 in use, and allowed in residential neighborhoods.

32 2. Except as provided in this paragraph, the regulation of
33 vacation rentals, including, but not limited to, inspection,
34 licensing, and occupancy limits, is preempted to the state. This
35 subparagraph does not preempt the authority of a local
36 government to regulate any advertising platform provided by or
37 through a company that is on the Scrutinized Companies that
38 Boycott Israel List created pursuant to s. 215.4725 or by or
39 through any company that is under common ownership or control
40 with a scrutinized company.

41 3. A local law, ordinance, or regulation may regulate
42 activities that arise when a residential property is used as a
43 vacation rental, provided that such law, ordinance, or
44 regulation applies uniformly to all residential properties
45 without regard to whether the residential property is used as a
46 vacation rental, as defined in s. 509.242, or a long-term rental
47 subject to chapter 83, or whether a property owner chooses not
48 to use his or her residential property as a vacation rental.
49 However, a local law, ordinance, or regulation may not prohibit
50 vacation rentals, impose occupancy limits, or regulate the

51 duration or frequency of ~~rental of vacation~~ rentals. A local
 52 law, ordinance, or regulation may not authorize or require the
 53 inspection or licensing of a vacation rental. A court shall
 54 determine whether a local law, ordinance, or regulation complies
 55 with this paragraph. If an action is brought pursuant to this
 56 paragraph, the local government that enacted the local law,
 57 ordinance, or regulation shall establish by clear and convincing
 58 evidence that such local law, ordinance, or regulation complies
 59 with this paragraph ~~This paragraph does not apply to any local~~
 60 ~~law, ordinance, or regulation adopted on or before June 1, 2011.~~

61 Section 2. Subsection (2) of section 509.241, Florida
 62 Statutes, is amended to read:

63 509.241 Licenses required; exceptions.—

64 (2) APPLICATION FOR LICENSE.—Each person who plans to open
 65 a public lodging establishment or a public food service
 66 establishment shall apply for and receive a license from the
 67 division before ~~prior to~~ the commencement of operation. A
 68 condominium association, as defined in s. 718.103, which does
 69 not own any units classified as vacation rentals or timeshare
 70 projects under s. 509.242(1)(c) or (g) is not required to apply
 71 for or receive a public lodging establishment license. A person
 72 applying for a public lodging establishment license for a
 73 vacation rental as described in s. 509.242(1)(c) shall provide
 74 the name, mailing address, telephone number, and email address
 75 of a person who can be contacted by the division when a

76 | complaint related to a vacation rental is reported. The division
77 | shall make vacation rental license information, including the
78 | contact person, available to the public on its website.

79 | Section 3. This act shall take effect July 1, 2019.