Representative Duggan offered the following:

**Amendment (with title amendment)**

Remove lines 383-616 and insert:

June 1, 2011, including when such law, ordinance, or regulation is amended to be less restrictive or amended solely to implement or conform with local registration provisions provided in this paragraph, or when a law, ordinance, or regulation was adopted after June 1, 2011, regulating vacation rentals, if such law, ordinance, or regulation is less restrictive than the law, ordinance, or regulation that it replaced that was in effect on June 1, 2011. Notwithstanding paragraph (a), a local law, ordinance, or regulation may require the registration of
vacation rentals as transient public lodging establishments as defined in s. 509.013 in conformance with this section. This paragraph does not prohibit a local law, ordinance, or regulation from restricting the maximum occupancy for residential properties that are rented if uniformly applied without regard to whether the residential property is used as a vacation rental.

2. Local governments may charge a fee of no more than $100 for processing five or fewer individual vacation rental registrations or $200 for processing more than five but fewer than 26 individual vacation rental registrations as a collective registration. A local law, ordinance, or regulation may not require renewal of a registration more than once per year. However, if there is a change of ownership, the new owner may be required to submit a new registration.

3. As a condition of registration, the local law, ordinance, or regulation may only require the owner or operator of a vacation rental to:
   a. Submit the license number issued by the division to operate as a vacation rental.
   b. Submit identifying information about the owner or operator, including name, address, telephone number, and e-mail address, and the location of the subject vacation rental property. In addition, the registrant must identify a responsible party to receive legal notices on behalf of the
owner or operator.

c. Provide contact information for a responsible party, designated by the registrant, who is capable of responding to complaints, emergencies, and other immediate problems related to the vacation rental. Such contact information shall include a telephone number and e-mail address that can be used by the local government to contact the responsible party. Any vacation rental registrant with more than five vacation rentals in the local jurisdiction must provide contact information for a responsible party, designated by the registrant, who is available 24 hours a day, 7 days a week.

d. State the maximum occupancy of the vacation rental based on the number of sleeping accommodations for persons staying overnight in the vacation rental.

4.a. Within 15 business days after receiving a registration form and payment from a vacation rental owner or operator, the local government, only reviewing the registration administratively for completeness, must accept the registration of the vacation rental if all information has been provided and the fee has been paid. If the registration is incomplete, the local government may issue a written notice specifying with particularity any areas that are deficient. Such notice may be provided by mail through the United States Postal Service or electronically by e-mail.

b. When a local government issues a notice of deficiency
related to a vacation rental registration, the registrant has 15 days after receipt of the notice to resubmit the registration.

c. If the local government fails to accept the registration or issue a notice of deficiency within the timeframes provided in this subparagraph, the application is deemed accepted.

d. Upon an accepted registration of a vacation rental, a local government shall assign a unique registration number to the vacation rental or other indicia of registration and provide the registration number or other indicia of registration to the owner or operator of the vacation rental in writing or electronically.

5. The local government may notify and provide proof to the division if:

a. There is an unsatisfied recorded municipal lien or county lien on the real property of the vacation rental.

b. The premises and its owner are the subject of a final order or judgment lawfully directing the termination of the premises' use as a vacation rental.

c. The local code enforcement board, special magistrate, or other code enforcement authority has found that a vacation rental has established a pattern and practice of municipal or county code violations.

d) The regulation of advertising platforms is preempted to the state as provided in this chapter.
Section 4. Effective January 1, 2024, subsections (2) and (3) of section 509.241, Florida Statutes, are amended to read:

509.241 Licenses required; exceptions.—

(2) APPLICATION FOR LICENSE.—Each person who plans to open a public lodging establishment or a public food service establishment shall apply for and receive a license from the division before the commencement of operation. A condominium association, as defined in s. 718.103, which does not own any units classified as vacation rentals or timeshare projects under s. 509.242(1)(c) or (g) is not required to apply for or receive a public lodging establishment license. Upon receiving an application for a vacation rental license, the division may grant a temporary license that authorizes the vacation rental to begin operation while the application is pending and to post the information required under s. 509.243(1)(c). The temporary license automatically expires upon final agency action regarding the license application.

(3) DISPLAY OF LICENSE.—Any license issued by the division must be conspicuously displayed to the public inside in the office or lobby of the licensed establishment. Public food service establishments that offer catering services must display their license number on all advertising for catering services. The owner or operator of a vacation rental offered for transient occupancy through an advertising platform must also display the vacation rental license number and, if
applicable, the local registration number.

Section 5. Effective January 1, 2024, section 509.243, Florida Statutes, is created to read:

509.243 Advertising platforms.—
(1)(a) Beginning July 1, 2024, an advertising platform must require that a person who places an advertisement for the rental of a vacation rental:

1. Include in the advertisement the vacation rental license number and, if applicable, the local registration number;

2. Attest to the best of the person's knowledge that the license number for the vacation rental property is current, valid, and accurately stated in the advertisement, and that the local registration number for the vacation rental property is current, valid, and accurately stated in the advertisement or that a local registration is not required; and

3. Attest to the best of the person's knowledge that the contact information for a responsible party, designated by the licensee, who is capable of responding to complaints, emergencies, and other immediate problems related to the vacation rental has been provided to the division. Such contact information shall include a telephone number and e-mail address.

Any vacation rental licensee with more than five vacation rentals must provide contact information for a responsible party, designated by the licensee, who is available 24 hours a
(b) Beginning July 1, 2024, an advertising platform must display the vacation rental license number and, if applicable, the local registration number based upon the attestation in subparagraph (a)2.

(c) By July 1, 2024, the division shall maintain vacation rental license information in a readily accessible electronic format that includes contact information for a responsible party as provided in subparagraph (a)3.

(2) An advertising platform must remove from public view an advertisement or a listing from its online application, software, website, or system within 15 business days after being notified by the division in writing that the subject advertisement or listing for the rental of a vacation rental located in this state fails to include a valid license number issued by the division or that such license has been suspended or revoked.

(3) If a guest uses a payment system on or through an advertising platform to pay for the rental of a vacation rental located in this state, the advertising platform must collect and remit all taxes due under ss. 125.0104, 125.0108, 205.044, 212.03, 212.0305, and 212.055 related to the rental as provided in s. 212.03(2)(b).

(4) If the division has probable cause to believe that a person not licensed by the division has violated this chapter or

Approved For Filing: 5/2/2023 7:54:00 AM

Page 7 of 13
any rule adopted pursuant thereto, the division may issue and
deliver to such person a notice to cease and desist from the
violation. The issuance of a notice to cease and desist does not
constitute agency action for which a hearing under s. 120.569 or
s. 120.57 may be sought. For the purpose of enforcing a cease
and desist notice, the division may file a proceeding in the
name of the state seeking the issuance of an injunction or a
writ of mandamus against any person who violates any provision
of the notice. If the division is required to seek enforcement
of the notice for a penalty pursuant to s. 120.69, it is
entitled to collect attorney fees and costs, together with any
cost of collection.

(5) The division may fine an advertising platform an
amount not to exceed $1,000 per offense for violations of this
section or of the rules of the division. For the purposes of
this subsection, the division may regard as a separate offense
each day in which an advertising platform is operated in
violation of this section or rules of the division. The division
shall issue a written warning or notice and provide the
advertising platform 15 days to cure a violation before
commencing any legal proceeding under subsection (4).

(6) Advertising platforms shall adopt an
antidiscrimination policy to help prevent discrimination among
their users and shall inform all users of their services that it
is illegal to refuse accommodation to an individual based on
race, creed, color, sex, pregnancy, physical disability, or
national origin pursuant to s. 509.092.

(7) Advertising platforms that comply with the
requirements of this section are deemed to be in compliance with
the requirements of this chapter. This section does not create
and is not intended to create a private cause of action against
advertising platforms. An advertising platform may not be held
liable for any action it takes voluntarily in good faith in
relation to its users to comply with this chapter or the
advertising platform's terms of service.

Section 6. Subsection (10) is added to section 509.261,
Florida Statutes, to read:

509.261 Revocation or suspension of licenses; fines;
procedure.—

(10) The division may revoke, refuse to issue or renew, or
suspend for a period of not more than 30 days a vacation rental
license or issue a letter of guidance to a vacation rental
licensee when:

(a) The operation of the subject premises violates the
terms of an applicable lease or property restriction, including
any property restriction adopted pursuant to chapter 718,
chapter 719, or chapter 720, as determined by a final order of a
court of competent jurisdiction or a written decision by an
arbitrator authorized to arbitrate a dispute relating to the
subject property and a lease or property restriction.
(b) The premises and its owner are the subject of a final order or judgment lawfully directing the termination of the premises' use as a vacation rental.

(c) There is an unsatisfied recorded municipal lien or county lien on the real property of the vacation rental. However, the division must allow the vacation rental owner at least 60 days to satisfy the recorded municipal lien or county lien before the revocation, refusal to issue or renew, or suspension of a vacation rental license.

(d) The local code enforcement board, special magistrate, or other code enforcement authority has found that a vacation rental has established a pattern and practice of municipal or county code violations. The division must consider whether the licensee has corrected the violations before determining any discipline.

(e) The premises is not registered as a vacation rental in the local jurisdiction and such jurisdiction requires registration. However, a licensee may apply for a waiver of the local registration requirement, and the division may issue the license, if the local jurisdiction has unreasonably withheld such registration.

(f) The license number for the vacation rental is not included in advertisements, if required.

(g) The licensee has failed to provide contact information for a responsible party, designated by the licensee, who is
capable of responding to complaints, emergencies, and other immediate problems related to the vacation rental to the division that includes a telephone number and e-mail address, or the licensee that has more than five vacation rentals has failed to provide to the division contact information that includes a telephone number and an e-mail address for a responsible party, designated by the licensee, that is available 24 hours a day, 7 days a week.

T I T L E  A M E N D M E N T

Remove lines 17-69 and insert:

vacation rental registration programs; providing construction; authorizing local governments to charge fees up to specified amounts for processing registration applications; specifying requirements, procedures, and limitations for local vacation rental registration programs; authorizing local governments to notify and provide proof to a specified entity under certain circumstances; preempting the regulation of advertising platforms to the state; amending s. 509.241, F.S.; authorizing the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to issue temporary licenses upon receipt of vacation rental license applications; providing for expiration of temporary vacation rental licenses; requiring that any license issued by the division be displayed
conspicuously to the public inside the licensed establishment;
requiring the owner or operator of certain vacation rentals to
also display the vacation rental license number and applicable
local registration number; creating s. 509.243, F.S.; requiring
advertising platforms to require that persons placing
advertisements for vacation rentals include certain information
in the advertisements and attest to certain information
beginning on a specified date; requiring advertising platforms
to display certain information beginning on a specified date;
requiring the division to maintain certain information in a
readily accessible electronic format by a specified date;
requiring advertising platforms to remove an advertisement or a
listing under certain conditions and within a specified
timeframe; requiring advertising platforms to collect and remit
specified taxes for certain transactions; authorizing the
division to issue and deliver a notice to cease and desist for
certain violations; providing that such notice does not
constitute agency action for which certain hearings may be
sought; authorizing the division to file certain proceedings;
authorizing the division to seek certain remedies for the
purpose of enforcing a cease and desist notice; authorizing the
division to collect attorney fees and costs under certain
circumstances; authorizing the division to impose a fine on
advertising platforms for certain violations; requiring the
division to issue written warnings or notices before commencing
certain legal proceedings; requiring advertising platforms to adopt an antidiscrimination policy and to inform their users of the policy's provisions; providing construction; amending s. 509.261, F.S.; authorizing the division to revoke, refuse to issue or renew, or suspend vacation rental licenses or issue a letter of guidance to a vacation rental licensee under certain circumstances; amending