

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Commerce Committee
 2 Representative Duggan offered the following:

Amendment (with title amendment)

Remove lines 472-614 and insert:

6 rental registration program. Local governments may adopt a
 7 vacation rental registration program pursuant to subparagraph 3.
 8 This paragraph does not prohibit a local law, ordinance, or
 9 regulation from restricting the maximum occupancy for
 10 residential properties that are rented if uniformly applied
 11 without regard to whether the residential property is used as a
 12 vacation rental.

13 2. Local governments may charge a fee of no more than \$75
 14 for processing an individual registration application or \$150
 15 for processing a collective registration application. A local
 16 law, ordinance, or regulation may not require renewal of a

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17 registration more than once per year. However, if there is a
18 change of ownership, the new owner may be required to submit a
19 new application for registration.

20 3. As a condition of registration, the local law,
21 ordinance, or regulation may only require the owner or operator
22 of a vacation rental to:

23 a. Submit identifying information about the owner or the
24 owner's agents and the subject vacation rental property.

25 b. Obtain a license as a transient public lodging
26 establishment issued by the division within 60 days after local
27 registration.

28 c. Obtain all required tax registrations, receipts, or
29 certificates issued by the Department of Revenue, a county, or a
30 municipal government.

31 d. Update required information on a continuing basis to
32 ensure it is current.

33 e. Comply with parking standards and solid waste handling
34 and containment requirements, so long as such standards and
35 requirements are not imposed solely on vacation rentals.

36 f. Designate and maintain at all times a responsible party
37 who is capable of responding to complaints and other immediate
38 problems related to the vacation rental, including being
39 available by telephone at a listed phone number.

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40 g. State the maximum occupancy of the vacation rental
41 based on the number of sleeping accommodations for persons
42 staying overnight in the vacation rental.

43 4.a. Within 15 business days after receiving an
44 application for registration of a vacation rental, the local
45 government must review the application for completeness and
46 accept the registration of the vacation rental or issue a
47 written notice specifying with particularity any areas that are
48 deficient. Such notice may be provided by United States mail or
49 electronically.

50 b. The vacation rental owner or operator and the local
51 government may agree to a reasonable request to extend the
52 timeframes provided in this subparagraph, particularly in the
53 event of a force majeure or other extraordinary circumstance.

54 c. If the local government fails to accept or deny the
55 registration within the timeframes provided in this
56 subparagraph, the application is deemed accepted.

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

63 (d) The regulation of advertising platforms is preempted
64 to the state as provided in this chapter.

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65 Section 4. Effective January 1, 2024, subsections (2) and
66 (3) of section 509.241, Florida Statutes, are amended to read:

67 509.241 Licenses required; exceptions.—

68 (2) APPLICATION FOR LICENSE.—Each person who plans to open
69 a public lodging establishment or a public food service
70 establishment shall apply for and receive a license from the
71 division before ~~prior to~~ the commencement of operation. A
72 condominium association, as defined in s. 718.103, which does
73 not own any units classified as vacation rentals or timeshare
74 projects under s. 509.242(1)(c) or (g) is not required to apply
75 for or receive a public lodging establishment license. All
76 applications for a vacation rental license must, if applicable,
77 include the local registration number or other proof of
78 registration required by local law, ordinance, or regulation.
79 Upon receiving an application for a vacation rental license, the
80 division may grant a temporary license that authorizes the
81 vacation rental to begin operation while the application is
82 pending and to post the information required under s.
83 509.243(1)(c). The temporary license automatically expires upon
84 final agency action regarding the license application.

85 (3) DISPLAY OF LICENSE.—Any license issued by the division
86 must ~~shall~~ be conspicuously displayed to the public inside ~~in~~
87 ~~the office or lobby of the~~ licensed establishment. Public food
88 service establishments that ~~which~~ offer catering services must
89 ~~shall~~ display their license number on all advertising for

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90 catering services. The owner or operator of a vacation rental
91 offered for transient occupancy through an advertising platform
92 must also display the vacation rental license number and, if
93 applicable, the local registration number.

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

96 509.243 Advertising platforms.—

97 (1)(a) An advertising platform must require that a person
98 who places an advertisement for the rental of a vacation rental:

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

102 2. Attest to the best of the person's knowledge that the
103 license number for the vacation rental property and the local
104 registration are current, valid, and accurately stated in the
105 advertisement.

106 (b) An advertising platform must display the vacation
107 rental license number and, if applicable, the local registration
108 number. Effective July 1, 2024, the advertising platform must
109 check that the vacation rental license number provided by the
110 owner or operator appears as current in the information posted
111 by the division pursuant to paragraph (c) and applies to the
112 subject vacation rental before publishing the advertisement on
113 its platform and again at the end of each calendar quarter that
114 the advertisement remains on its platform.

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115 (c) By July 1, 2024, the division shall maintain vacation
116 rental license information in a readily accessible electronic
117 format that is sufficient to facilitate prompt compliance with
118 the requirements of this subsection by an advertising platform
119 or a person placing an advertisement on an advertising platform
120 for transient rental of a vacation rental.

121 (2) An advertising platform must remove from public view
122 an advertisement or a listing from its online application,
123 software, website, or system within 15 business days after being
124 notified by the division in writing that the subject
125 advertisement or listing for the rental of a vacation rental
126 located in this state fails to display a valid license number
127 issued by the division.

128 (3) If a guest uses a payment system on or through an
129 advertising platform to pay for the rental of a vacation rental
130 located in this state, the advertising platform must collect and
131 remit all taxes due under ss. 125.0104, 125.0108,
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134 **T I T L E A M E N D M E N T**

135 Remove lines 21-23 and insert:
136 programs; allowing local laws, ordinances, or regulations to
137 restrict maximum occupancy for all residential properties;
138 preempting