

1 A bill to be entitled
 2 An act relating to public lodging establishments;
 3 amending s. 509.013, F.S.; revising the definition of
 4 the term "public lodging establishment" to exclude
 5 certain apartment buildings designated primarily as
 6 housing for persons at least 62 years of age and
 7 certain roominghouses, boardinghouses, and other
 8 living or sleeping facilities; authorizing the
 9 Division of Hotels and Restaurants to require written
 10 documentation from an apartment building operator that
 11 such building is in compliance with certain criteria;
 12 authorizing the division to adopt certain rules;
 13 amending s. 509.242, F.S.; revising public lodging
 14 establishment classifications; providing an effective
 15 date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

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 19 Section 1. Subsection (4) of section 509.013, Florida
 20 Statutes, is amended to read:

21 509.013 Definitions.—As used in this chapter, the term:

22 (4) (a) "Public lodging establishment" includes a transient
 23 public lodging establishment as defined in subparagraph 1. and a
 24 nontransient public lodging establishment as defined in
 25 subparagraph 2.

26 1. "Transient public lodging establishment" means any
 27 unit, group of units, dwelling, building, or group of buildings
 28 within a single complex of buildings which is rented to guests

29 | more than three times in a calendar year for periods of less
 30 | than 30 days or 1 calendar month, whichever is less, or which is
 31 | advertised or held out to the public as a place regularly rented
 32 | to guests.

33 | 2. "Nontransient public lodging establishment" means any
 34 | unit, group of units, dwelling, building, or group of buildings
 35 | within a single complex of buildings which is rented to guests
 36 | for periods of at least 30 days or 1 calendar month, whichever
 37 | is less, or which is advertised or held out to the public as a
 38 | place regularly rented to guests for periods of at least 30 days
 39 | or 1 calendar month.

40 |
 41 | License classifications of public lodging establishments, and
 42 | the definitions therefor, are set out in s. 509.242. For the
 43 | purpose of licensure, the term does not include condominium
 44 | common elements as defined in s. 718.103.

45 | (b) The following are excluded from the definitions in
 46 | paragraph (a):

47 | 1. Any dormitory or other living or sleeping facility
 48 | maintained by a public or private school, college, or university
 49 | for the use of students, faculty, or visitors.‡

50 | 2. Any facility certified or licensed and regulated by the
 51 | Agency for Health Care Administration or the Department of
 52 | Children and Family Services or other similar place regulated
 53 | under s. 381.0072.‡

54 | 3. Any place renting four rental units or less, unless the
 55 | rental units are advertised or held out to the public to be
 56 | places that are regularly rented to transients.‡

57 4. Any unit or group of units in a condominium,
 58 cooperative, or timeshare plan and any individually or
 59 collectively owned one-family, two-family, three-family, or
 60 four-family dwelling house or dwelling unit that is rented for
 61 periods of at least 30 days or 1 calendar month, whichever is
 62 less, and that is not advertised or held out to the public as a
 63 place regularly rented for periods of less than 1 calendar
 64 month, provided that no more than four rental units within a
 65 single complex of buildings are available for rent.~~†~~

66 5. Any migrant labor camp or residential migrant housing
 67 permitted by the Department of Health under ss. 381.008-
 68 381.00895.~~†~~

69 6. Any establishment inspected by the Department of Health
 70 and regulated by chapter 513.~~†~~ ~~and~~

71 7. Any nonprofit organization that operates a facility
 72 providing housing only to patients, patients' families, and
 73 patients' caregivers and not to the general public.

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

82 9. Any roominghouse, boardinghouse, or other living or
 83 sleeping facility that may not be classified as a hotel, motel,
 84 vacation rental, nontransient apartment, bed and breakfast inn,

85 or transient apartment under s. 509.242.

86 Section 2. Subsection (1) of section 509.242, Florida
87 Statutes, is amended to read:

88 509.242 Public lodging establishments; classifications.—

89 (1) A public lodging establishment shall be classified as
90 a hotel, motel, nontransient apartment, transient apartment,
91 ~~roominghouse~~, bed and breakfast inn, or vacation rental if the
92 establishment satisfies the following criteria:

93 (a) Hotel.—A hotel is any public lodging establishment
94 containing sleeping room accommodations for 25 or more guests
95 and providing the services generally provided by a hotel and
96 recognized as a hotel in the community in which it is situated
97 or by the industry.

98 (b) Motel.—A motel is any public lodging establishment
99 which offers rental units with an exit to the outside of each
100 rental unit, daily or weekly rates, offstreet parking for each
101 unit, a central office on the property with specified hours of
102 operation, a bathroom or connecting bathroom for each rental
103 unit, and at least six rental units, and which is recognized as
104 a motel in the community in which it is situated or by the
105 industry.

106 (c) Vacation rental.—A vacation rental is any unit or
107 group of units in a condominium, cooperative, or timeshare plan
108 or any individually or collectively owned single-family, two-
109 family, three-family, or four-family house or dwelling unit that
110 is also a transient public lodging establishment.

111 (d) Nontransient apartment ~~or roominghouse~~.—A nontransient
112 apartment ~~or roominghouse~~ is a building or complex of buildings

113 | in which 75 percent or more of the units are available for rent
 114 | to nontransient tenants.

115 | (e) Transient apartment ~~or roominghouse~~.—A transient
 116 | apartment ~~or roominghouse~~ is a building or complex of buildings
 117 | in which more than 25 percent of the units are advertised or
 118 | held out to the public as available for transient occupancy.

119 | ~~(f) Roominghouse. A roominghouse is any public lodging~~
 120 | ~~establishment that may not be classified as a hotel, motel,~~
 121 | ~~nontransient apartment, bed and breakfast inn, vacation rental,~~
 122 | ~~or transient apartment under this section. A roominghouse~~
 123 | ~~includes, but is not limited to, a boardinghouse.~~

124 | (f) ~~(g)~~ Bed and breakfast inn.—A bed and breakfast inn is a
 125 | family home structure, with no more than 15 sleeping rooms,
 126 | which has been modified to serve as a transient public lodging
 127 | establishment, which provides the accommodation and meal
 128 | services generally offered by a bed and breakfast inn, and which
 129 | is recognized as a bed and breakfast inn in the community in
 130 | which it is situated or by the hospitality industry.

131 | Section 3. This act shall take effect October 1, 2012.