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CS/HB 249, Engrossed 1

2012 Legislature

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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

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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.†

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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,

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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

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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.