A bill to be entitled
An act relating to public lodging establishments;
amending s. 509.032, F.S.; providing legislative
findings; preempts to the state regulation of
vacation rentals; providing construction; providing an
exception; providing applicability; amending s.
509.111, F.S.; requiring an operator of a public
lodging establishment that is used as a vacation
rental to maintain specified liability insurance;
amending s. 509.241, F.S.; revising application
requirements for vacation rental licensure; requiring
the Division of Hotels and Restaurants of the
Department of Business and Professional Regulation to
make certain vacation rental license information
available to the public on its website; creating s.
509.245, F.S.; requiring sexual offenders to register
with the local sheriff's office before arrival at a
public lodging establishment; requiring operators of
public lodging establishments to notify specified
guests; providing penalties; requiring online
advertisements or postings of public lodging
establishments to include certain information;
providing an effective date.

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

CODING: Words stricken are deletions; words underlined are additions.
Section 1. Paragraph (b) of subsection (7) of section 509.032, Florida Statutes, is amended, and paragraph (d) is added to that subsection, to read:

509.032 Duties.—

(7) PREEMPTION AUTHORITY.—

(b)1. The Legislature finds that:

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

b. Vacation rentals play a significant, unique, and critical role in the state's tourism industry, and that role, including the factors related to the ownership and operation of such rentals, is different from other types of public lodging establishments.

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

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

3. A local law, ordinance, or regulation may regulate activities that arise when a residential property is used as a vacation rental, provided that such law, ordinance, or regulation applies uniformly to all residential properties without regard to whether the residential property is used as a vacation rental, as defined in s. 509.242, or a long-term rental subject to chapter 83, or whether a property owner chooses not to use his or her residential property as a vacation rental. However, a local law, ordinance, or regulation may not prohibit vacation rentals, impose occupancy limits, or regulate the duration or frequency of rental of vacation rentals. A local law, ordinance, or regulation may not authorize or require the inspection or licensing of a vacation rental. A court shall determine whether a local law, ordinance, or regulation complies with this paragraph. If an action is brought pursuant to this paragraph, the local government that enacted the local law, ordinance, or regulation shall establish by clear and convincing evidence that such local law, ordinance, or regulation complies with this paragraph. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.

(d) Nothing in this subsection shall supersede any current or future article of incorporation, declaration, or bylaw adopted pursuant to chapter 718; cooperative document adopted
pursuant to chapter 719; or governing document adopted pursuant to chapter 720.

Section 2. Subsection (3) is added to section 509.111, Florida Statutes, to read:

509.111 Liability for property of guests.—

(3) The operator of a public lodging establishment that is used as a vacation rental must maintain liability insurance coverage equal to the insurance requirements for long-term rentals covered by chapter 83.

Section 3. Subsection (2) of section 509.241, Florida Statutes, is 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 prior to 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. A person applying for a public lodging establishment license for a vacation rental as described in s. 509.242(1)(c) shall provide the name, mailing address, telephone number, and email address of a person who can be contacted by the division when a complaint related to a vacation rental is reported. The division
shall make vacation rental license information, including the contact person, available to the public on its website.

Section 4. Section 509.245, Florida Statutes, is created to read:

509.245 Certain registration for public lodging establishments.—A sexual offender as defined in s. 944.606(1) must, 48 hours before arrival at a public lodging establishment as defined in s. 509.242, register at the sheriff's office in the county where the sexual offender is temporarily residing following the process set forth in s. 775.21, regardless of the length of residence at the public lodging establishment. An operator of a public lodging establishment who has been notified that a sexual offender is residing at his or her property or within 1,000 feet of such property must notify all other guests residing at such property. The division may fine, suspend, or revoke the license of any operator of a public lodging establishment if the operator does not comply with the requirements of this section. Any online advertisement or posting of a public lodging establishment must prominently display the actual physical street address of the public lodging establishment and a link to the public registry maintained by the Department of Law Enforcement pursuant to s. 943.043 of information regarding sexual predators and sexual offenders. Such advertisement or posting must also prominently display a link to s. 943.0435 and state "Every sexual offender and sexual
predator intending to temporarily reside at a public lodging establishment located in Florida is required by law to register in accordance with s. 509.245, Florida Statutes."

Section 5. This act shall take effect July 1, 2019.