

<b>Tab 1 SB 1400 by Steube; Vacation Rentals</b>							
660498	PCS	S	RCS	CA			01/30 01:11 PM
677376	A	S	RCS	CA, Steube	Delete L.101 - 1322:		01/30 01:11 PM
531354	AA	S	RCS	CA, Rodriguez	btw L.109 - 110:		01/30 01:11 PM
874854	AA	S	L RCS	CA, Lee	Delete L.596 - 600:		01/30 02:23 PM
539520	AA	S	L RCS	CA, Rodriguez	Delete L.251:		01/30 02:24 PM
767560	A	S	L WD	CA, Simmons	Delete L.109 - 1146:		01/30 01:17 PM

<b>Tab 2 SB 1640 by Simmons; (Compare to H 00773) Vacation Rentals</b>	
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<b>Tab 3 SB 1328 by Perry; (Similar to CS/H 00987) Affordable Housing</b>	
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<b>Tab 4 SB 1426 by Lee; (Similar to H 00007) Local Government Fiscal Transparency</b>	
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**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**COMMUNITY AFFAIRS**  
**Senator Lee, Chair**  
**Senator Bean, Vice Chair**

**MEETING DATE:** Tuesday, January 30, 2018  
**TIME:** 10:00 a.m.—12:00 noon  
**PLACE:** 301 Senate Office Building

**MEMBERS:** Senator Lee, Chair; Senator Bean, Vice Chair; Senators Brandes, Campbell, Perry, Rodriguez, and Simmons

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
<p><b>A proposed committee substitute</b> combining the following two bills (SB 1400 and SB 1640) is available:</p>			
1	<b>SB 1400</b> Steube	Vacation Rentals; Designating the "Florida Vacation Rental Act"; preempting regulation and control of vacation rentals to the state; specifying authority of the Division of Hotels and Restaurants over regulation of vacation rentals; requiring vacation rentals to obtain a license; specifying that vacation rentals are to be treated as transient rentals regarding certain tax and landlord and tenant provisions; requiring the division to inspect vacation rentals when necessary to respond to emergencies and epidemiological conditions, etc.  CA 01/30/2018 Fav/CS Combined - Lead RI AP	Fav/CS with SB 1640 Yeas 4 Nays 2
2	<b>SB 1640</b> Simmons (Compare H 773, H 789)	Vacation Rentals; Requiring persons engaged in certain public lodging-related transactions to display a valid certificate of registration number in rental listings or advertisements; revising the inspection responsibilities of the Division of Hotels and Restaurants regarding vacation rentals; authorizing the division to refuse to issue or renew or to suspend or revoke the license of a public lodging establishment subject to a local final order directing the establishment to cease operations, etc.  CA 01/30/2018 Fav/CS Combined RI AP	See SB 1400

**COMMITTEE MEETING EXPANDED AGENDA**

Community Affairs

Tuesday, January 30, 2018, 10:00 a.m.—12:00 noon

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	<b>SB 1328</b> Perry (Similar CS/H 987)	Affordable Housing; Revising the criteria that counties and municipalities must use when evaluating real property as part of their inventory for disposal of lands; prohibiting local governments from charging certain impact fees for a specified period; creating the Hurricane Housing Recovery Program to provide funds for specified purposes related to affordable housing; providing a process for certain entities to dispose of surplus lands for use for the construction of affordable housing, etc.  CA 01/30/2018 Favorable ATD AP	Favorable Yeas 6 Nays 0
4	<b>SB 1426</b> Lee (Similar H 7)	Local Government Fiscal Transparency; Expanding the scope of the Legislative Auditing Committee review to include compliance with local government fiscal transparency requirements; creating the "Local Government Fiscal Transparency Act"; requiring local governments to post certain voting record information on their websites, etc.  CA 01/30/2018 Favorable AP RC	Favorable Yeas 6 Nays 0
<hr/> <p>Other Related Meeting Documents</p> <hr/>			

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: PCS/SB's 1400 & 1640 (660498)

INTRODUCER: Community Affairs Committee

SUBJECT: Vacation Rentals

DATE: January 29, 2018

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cochran	Yeatman	CA	<b>Pre-meeting</b>
2.			RI	
3.			AP	

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**I. Summary:**

PCS/SB 1400/SB 1640 creates the “Florida Vacation Rental Act” within part III of Chapter 509, F.S., explicitly preempting the regulation of vacation rentals to the state and separating the regulation of vacation rentals from the regulation of hotels and motels. The Division of Hotels and Restaurants (division) is provided with the authority to implement the act, including licensure and enforcement. The bill regulates “commercial vacation rentals” and requires registration and biannual inspections. The bill allows local governments to regulate activities that arise when a property is used as a vacation rental, provided the regulation applies uniformly to all residential properties. The bill grandfathers local regulations adopted before June 1, 2011, including when the regulations are being amended to be less restrictive. Finally, the bill allows local governments to assess a reasonable fee for the submission of certain information by a vacation rental owner and may assess fines for failure to comply.

**II. Present Situation:**

The Division of Hotels and Restaurants within the Department of Business and Professional Regulation (DBPR) is the state agency charged with enforcing the provisions of ch. 509, F.S., relating to the regulation of public lodging establishments and public food service establishments for the purpose of protecting the public health, safety, and welfare.

The term “public lodging establishments” includes transient and nontransient public lodging establishments.<sup>1</sup> The principal differences between transient and nontransient public lodging establishments are the number of times that the establishments are rented in a calendar year and the length of the rentals.

A “transient public lodging establishment” is defined in s. 509.013(4)(a)1., F.S., as:

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<sup>1</sup> Section 509.013(4)(a), F.S.

any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

A “nontransient public lodging establishment” is defined in s. 509.013(4)(a)2., F.S., as:

any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests for periods of at least 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for periods of at least 30 days or 1 calendar month.

Section 509.013(4)(b), F.S., exempts the following types of establishments from the definition of “public lodging establishment”:

1. Any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students, faculty, or visitors.
2. Any facility certified or licensed and regulated by the Agency for Health Care Administration or the Department of Children and Families or other similar place regulated under s. 381.0072, F.S.;
3. Any place renting four rental units or less, unless the rental units are advertised or held out to the public to be places that are regularly rented to transients;
4. Any unit or group of units in a condominium, cooperative, or timeshare plan and any individually or collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit that is rented for periods of at least 30 days or 1 calendar month, whichever is less, and that is not advertised or held out to the public as a place regularly rented for periods of less than 1 calendar month, provided that no more than four rental units within a single complex of buildings are available for rent;
5. Any migrant labor camp or residential migrant housing permitted by the Department of Health under ss. 381.008-381.00895, F.S.;
6. Any establishment inspected by the Department of Health and regulated by ch. 513 F.S.;
7. Any nonprofit organization that operates a facility providing housing only to patients, patients’ families, and patients’ caregivers and not to the general public.
8. Any apartment building inspected by the United States Department of Housing and Urban Development or other entity acting on the department’s behalf that is designated primarily as housing for persons at least 62 years of age. The division may require the operator of the apartment building to attest in writing that such building meets the criteria provided in this subparagraph. The division may adopt rules to implement this requirement; and
9. Any roominghouse, boardinghouse, or other living or sleeping facility that may not be classified as a hotel, motel, timeshare project, vacation rental,

nontransient apartment, bed and breakfast inn, or transient apartment under s. 509.242, F.S.

Public lodging establishments are classified as a hotel, motel, vacation rental, nontransient apartment, transient apartment, bed and breakfast inn, or timeshare project.<sup>2</sup>

A “vacation rental” is defined in s. 509.242(1)(c), F.S., as:

any unit or group of units in a condominium, cooperative, or timeshare plan or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is also a transient public lodging establishment but is not a timeshare project.

The department licenses vacation rentals as condominiums, dwellings, or timeshare projects.<sup>3</sup> The division may issue a vacation rental license for “a single-family house, a townhouse, or a unit or group of units in a duplex, triplex, quadruplex, or other dwelling unit that has four or less units collectively.”<sup>4</sup>

The 41,931 public lodging establishments licensed by the division are distributed as follows:<sup>5</sup>

- Hotels – 1,916 licenses;
- Motels – 2,600 licenses;
- Nontransient apartments – 18,008 licenses;
- Transient apartments – 895 licenses;
- Bed and Breakfast Inns – 259 licenses;
- Vacation rental condominiums – 5,037 licenses;
- Vacation rental dwellings – 13,196 licenses; and
- Vacation rental timeshare projects – 20 licenses.

### **Inspections of Vacation Rentals**

The division must inspect each licensed public lodging establishment at least biannually, but transient and nontransient apartments must be inspected at least annually. However, the division is not required to inspect vacation rentals, but vacation rentals must be available for inspection upon a request by the division.<sup>6</sup> The division inspects a vacation rental in response to a consumer complaint related to sanitation issues or unlicensed activity. In Fiscal Year 2016-2017, the

<sup>2</sup> Section 509.242(1), F.S.

<sup>3</sup> Fla. Admin. Code R. 61C-1.002(4)(a)1.

<sup>4</sup> The division further classifies a vacation rental license as a single, group, or collective license. See Fla. Admin. Code R. 61C-1.002(4)(a)1. A single license may include one single-family house or townhouse, or a unit or group of units within a single building that are owned and operated by the same individual person or entity. A group license is a license issued by the division to a licensed agent to cover all units within a building or group of buildings in a single complex. A collective license is a license issued by the division to a licensed agent who represents a collective group of houses or units found on separate locations not to exceed 75 houses per license.

<sup>5</sup> *Division of Hotels and Restaurants Annual Report for FY 2016-2017*, Department of Business and Professional Regulation. A copy of the report is available at:

[http://www.myfloridalicense.com/dbpr/hr/reports/annualreports/documents/ar2016\\_17.pdf](http://www.myfloridalicense.com/dbpr/hr/reports/annualreports/documents/ar2016_17.pdf) (Last visited January 24, 2018).

<sup>6</sup> Section 509.032(2)(a), F.S.

division received 457 consumer complaints regarding vacation rentals and inspected the vacation rentals.<sup>7</sup>

### **Preemption**

Section 509.032(7)(a), F.S., provides that “the regulation of public lodging establishments and public food service establishments, including, but not limited to, sanitation standards, inspections, training and testing of personnel, and matters related to the nutritional content and marketing of foods offered in such establishments, is preempted to the state.”

Section 509.032(7)(b), F.S., prohibits local laws, ordinances, or regulations that prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. However, this prohibition does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.

Section 509.032(7)(c), F.S., provides that the prohibition in s. 509.032(7)(b), F.S., does not apply to local laws, ordinances, or regulations exclusively relating to property valuation as a criterion for vacation rental if the law, ordinance or regulation is required to be approved by the state land planning agency pursuant to an area of critical state concern designation.<sup>8</sup>

### **Legislative History**

In 2011, the Legislature preempted vacation rental regulation to the state. The preemption prevented local governments from enacting any law, ordinance, or regulation that:

- Restricted the use of vacation rentals;
- Prohibited vacation rentals; or
- Regulated vacation rentals based solely on their classification, use, or occupancy.<sup>9</sup>

This legislation grandfathered any local law, ordinance, or regulation that was enacted by a local government on or before June 1, 2011.<sup>10</sup>

In 2014, the Legislature revised the preemption to its current form with an effective date of July 1, 2014.<sup>11</sup> Chapter 2014-71, Laws of Fla., amended s. 509.032(7)(b), F.S., and repealed the portions of the preemption of local laws, ordinances, and regulations which prohibited “restrict[ing] the use of vacation rentals” and which prohibited regulating vacation rentals “based solely on their classification, use or occupancy.”<sup>12</sup>

### **Attorney General Opinion**

The office of the Attorney General issued an Informal Legal Opinion on October 22, 2013, regarding whether Flagler County could intercede and stop vacation rental operations in private

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<sup>7</sup> See *supra* note 5, at 23.

<sup>8</sup> See s. 163.3164(43), F.S., provides that the state land planning agency is the Department of Economic Opportunity.

<sup>9</sup> Chapter 2011-119, Laws of Fla.

<sup>10</sup> *Id.*

<sup>11</sup> Chapter 2014-71, Laws of Fla.; codified in s. 509.032(7)(b), F.S.

<sup>12</sup> *Id.*

homes that were zoned, prior to June 1, 2011, for single-family residential use.<sup>13</sup> According to the opinion, “due to an increase in the number of homes being used as vacation rentals in Flagler County, many permanent residents in neighborhoods with vacation rentals have raised concerns about the negative effects such rentals have on their quality of life and the character of their neighborhood.” Flagler County had no regulation governing vacation rentals before the grandfather date of June 1, 2011, in s. 509.032(7)(b), F.S. The Attorney General concluded that the county’s local zoning ordinance for single-family homes that predated June 1, 2011, did not restrict the rental of such property as a vacation rental and that the zoning ordinances could not now be interpreted to restrict vacation rentals.

A second advisory opinion was issued by the Attorney General on November 13, 2014, for the City of Wilton Manors concluding that s. 509.032(7)(b), F.S., does not permit the city to regulate the location of vacation rentals through zoning, and the city may not prohibit vacation rentals which fail to comply with the registration and licensing requirements in s. 509.241, F.S., which requires public lodging establishments to obtain a license from the division.<sup>14</sup>

In addition, the Attorney General issued a third advisory opinion on October 5, 2016, addressing whether a municipality could limit the spacing and concentration of vacation rentals through a proposed ordinance regarding vacation rentals.<sup>15</sup> The Attorney General concluded that the preemption in s. 509.032, F.S., allows local governments some regulation of vacation rentals, but prevents local governments from prohibiting vacation rentals. Consequently, the Attorney General noted that a municipality may not impose spacing or proportional regulations that would have the effect of preventing eligible housing from being used as a vacation rental.<sup>16</sup>

### III. Effect of Proposed Changes:

**Section 1** creates part III of chapter 509 to be entitled “Vacation Rentals.”

**Section 2** creates s. 509.601, F.S., to be named the Florida Vacation Rental Act.

**Section 3** creates s. 509.603, F.S., consisting of the legislative findings and purpose for a vacation rental act. The section preempts the regulation of vacation rentals to the state unless otherwise provided in chapter 509. The division is granted rulemaking authority to implement this part.

**Section 4** creates s. 509.604, F.S., requiring vacation rentals to obtain a nontransferable license. It shall be illegal to operate without a license. Licenses must be renewed annually, on a staggered schedule determined by the division. Licenses must be displayed prominently in the vacation rental. The division is authorized to deny licensure to applicants who have been adjudicated

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<sup>13</sup> Florida Attorney General, Informal Legal Opinion to Mr. Albert Hadeed, Flagler County Attorney, regarding “Vacation Rental Operation-Local Ordinances,” dated October 22, 2013.

<sup>14</sup> Florida Attorney General, AGO 2014-09, Vacation Rentals - Municipalities - Land Use, November 13, 2014, available at: <http://www.myfloridalegal.com/ago.nsf/printview/5DFB7F27FB483C4685257D900050D65E>. (last visited January 24, 2018).

<sup>15</sup> Florida Attorney General, AGO 2016-12, Municipalities - Vacation Rentals - Zoning, October 5, 2016, available at: <http://www.myfloridalegal.com/ago.nsf/printview/3AF7050D48068C10852580440051386C> (last visited January 24, 2018).

<sup>16</sup> *Id.*

guilty of crimes reflecting poor professional character, including prostitution and pandering. The bill categorized unlicensed activity as a second degree misdemeanor. The existing licensure and annual renewal provisions from s. 509.241, F.S., are maintained. (509.604).

**Section 5** creates s. 509.605, F.S., authorizing “licensed operators” to manage multiple units in a single license application. These units may be in separate buildings or locations. The division is directed to charge a fee for the application, though such fee is prohibited from exceeding \$1,000 per application. No geographic limitation imposed in the bill, however the number of units that may be included in a single license application is capped at 75. In addition, the term “licensed operator” is not defined in ch. 509 or within the bill. The existing license fee provisions from s. 509.251, F.S., are maintained. The fees collected shall be directed to fund the Hospitality Education Program. In addition, the division is authorized to promulgate a rule regarding application fees. The fee for an application may not exceed \$50 per application and shall be used to cover all costs associated with initiating regulation of vacation rentals.

**Section 6** creates s. 509.606, F.S., specifying procedures for the revocation or suspension of licenses and fines. Fines may not exceed \$1,000 per offense, and the division is authorized to regard as a separate offense for each day or portion of day that a critical law or rule is violated. In addition, the division is required to post a prominent closed-for-operation sign on any vacation rental the license of which has been suspended or revoked. These procedures remain largely unchanged from s. 509.261, F.S., with the exception of removing the remedial food safety education penalty. All funds received by the division for administrative fines must be paid into the state treasury to the credit of the Hotel and Restaurant Trust Fund and may not be used for payment to any entity performing required inspections under contract with the division. The division may fine, suspend, or revoke the license of any vacation rental when the rental is not in compliance with the final order or other administrative action issued against the licensee by the division. The division may refuse to issue or renew a license until all outstanding fines are paid in full to the division. Revocable offenses include soliciting for prostitution, pandering, letting premises for prostitution, and dealing in controlled substances, or a determination by the division that a vacation rental is an imminent danger to the public health.

**Section 7** creates s. 509.607, F.S., subjecting vacation rentals to chapter 212 (sales tax) in the same manner as transient rentals. Vacation rentals are exempt from chapter 83 (landlord/tenant law) in the same manner as transient rentals. The bill additionally exempts persons or entities that rent or advertise vacation rentals for rent for another and for compensation from possessing a real estate sales associate or broker license.

**Section 8** creates s. 509.608, F.S., preempting the inspection of vacation rentals to the state. Inspections regarding vacation rentals are substantively unchanged from current law. The division has the right of entry and access to a vacation rental at any reasonable time. The division may not establish by rule any regulation governing the design, construction, erection, alteration, modification, repair, or demolition of any vacation rental. Vacation rentals must be made available to the division for inspections upon request. Upon discovery of a vulnerable adult appearing to be a victim of neglect, a building not equipped with automatic sprinkler systems, or tenants or clients who may be unable to self-preserve in an emergency, the division shall convene meetings with the following agencies as appropriate to the individual situation: Department of Elderly Affairs, the area agency on aging, the local fire marshal, the landlord and

affected tenants or clients, and other relevant organizations, to develop a plan that improves prospects for safety of affected residents. Commercial vacation rentals must be inspected by the division at least biannually.

**Section 9** amends s. 509.013, F.S., adding vacation rentals to the definitions of “operator,” “guest,” and excludes them from the definition of either a transient or nontransient public lodging establishment. This section adds a definition of “vacation rental” as any unit in a condominium or cooperative or any individually or collectively owned single family, two family, three family, or four family house or dwelling unit that is rented to guests for periods of less than 6 months. A definition for “commercial vacation rental” is provided as one license with five or more vacation rental units, or five or more rental units under common ownership, control or management.

**Section 10** amends s. 509.032, F.S., allowing a local government to regulate activities that arise when a property is used as a vacation rental, provided the regulation applies uniformly to all residential properties. This section allows a local government to request a vacation rental owner who rents a whole or a part of a unit to submit certain information to the local jurisdiction for informational purposes. The local governments may assess a reasonable fee for the submission of this information by a vacation rental owner and may assess fines for failure to comply. The section grandfathers regulations adopted before June 1, 2011, including when the regulations are being amended to be less restrictive.

**Sections 11, 12, 13, 14, and 15** are amended to correct cross-references.

**Section 16** amends s. 509.072, F.S. adding vacation rentals to the list of establishments that use moneys from the Hotel and Restaurant Trust Fund.

**Section 17** amends s. 509.091, F.S., adding vacation rentals to the list of establishments that must be served notice from the division.

**Section 18** amends s. 509.095, F.S., adding vacation rentals to the list of establishments that may waive an age requirement for an individual currently on active duty as a member of the U.S. military.

**Section 19** amends s. 509.101, F.S., adding vacation rentals to the list of establishments that may establish reasonable rules and regulations for the management of the establishment and its guests and employees.

**Section 20** amends s. 509.111, F.S., adding vacation rentals to the list of establishments in the “liability for property of guests” section of 509.

**Section 21** amends s. 509.141, F.S., adding vacation rentals to the list of establishments in the section on refusal of admission and ejection of undesirable guests.

**Section 22** amends s. 509.142, F.S., adding vacation rentals to the list of establishments that can refuse accommodations to any person whose conduct displays intoxication, profanity, lewdness, or brawling, and so on.

**Section 23** amends s. 509.144, F.S., adding vacation rentals to the list of establishments where handbill distribution is prohibited.

**Section 24** amends s. 509.162, F.S., adding vacation rentals to the list of establishments that are permitted to detain a suspected thief for a reasonable period.

**Section 25** amends s. 509.2015, F.S., adding vacation rentals to the list of establishments that must post notice of a surcharge for telephone calls.

**Section 26** amends s. 509.211, F.S., adding vacation rentals to the list of establishments that must follow certain safety regulations.

**Section 27** amends s. 509.2112, F.S., regulating vacation rentals that are three stories or more in height and providing inspection rules.

**Section 28** amends s. 509.215, F.S., subjecting vacation rentals to the same firesafety requirements as public lodging establishments.

**Section 29** amends s. 509.221, F.S., subjecting vacation rentals to the sanitary regulations in s. 509.221, F.S., from which they were previously exempt. These include the public bathroom requirement, soap and towel requirements, and bedding requirements.

**Section 30** amends s. 509.241, F.S., removing vacation rentals from certain license requirements due to inclusion of new requirements in part III of ch. 509, F.S.

**Section 31** amends s. 509.242, F.S., removes vacation rental from the classification of a public lodging establishment. Also deletes the former definition of vacation rental in s. 509.242, F.S.

**Section 32** amends s. 509.251, F.S., removes vacation rentals from the license fees section due to the creation of its own section in part III of ch. 509, F.S.

**Section 33** amends s. 509.281, F.S., providing that if the division ascertains by inspection that a vacation rental is being operated contrary to the provisions of ch. 509, F.S., the division shall make a complaint and cause the arrest of the violator.

**Section 34** amends s. 509.302, F.S., providing that all vacation rentals licensed under ch. 509, F.S., shall pay an annual fee to be used for funding the Hospitality Education Program.

**Section 35** amends s. 509.4005, F.S., applying ss. 509.401-509.417, F.S., to guests in vacation rentals.

**Section 36** amends s. 509.401, F.S., giving an operator of a vacation rental the right to lockout a guest if payment has not been made on the account.

**Section 37** amends s. 509.402, F.S., giving an operator of a vacation rental the right to recover premises if the guest vacates without notice.

**Section 38** amends s. 509.405, F.S., prescribing requirements for a complaint an operator must file when seeking a writ of distress.

**Section 39** amends s. 509.409, F.S., requiring an officer to inventory a property when seizing distrainable property on the premises of a vacation rental.

**Section 40** amends s. 509.417, F.S., allowing property levied to be sold on the premises of the vacation rental.

**Section 41, 42, and 43** are amended to correct cross-references.

**Section 44** provides an effective date of July 1, 2018.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Vacation rental operators may need to incur the cost of meeting requirements that weren't previously applicable.<sup>17</sup>

C. Government Sector Impact:

Revenue may increase with increased vacation rental licenses generating bed tax or other tourism taxes.<sup>18</sup> There may be an indeterminate increase in fines due more sanitation and safety requirements being applicable to vacation rental units.

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<sup>17</sup> Department of Business and Professional Regulation, Senate Bill 1400 Analysis (January 23, 2018).

<sup>18</sup> *Id.*

The DBPR estimates one additional licensing staff member will be needed for every 15,000 new applications. More FTEs may also be required for an anticipated increase in consumer complaints. Additionally, for every 16,700 calls received, an additional Regulatory Specialist III FTE position is needed.<sup>19</sup>

An indeterminate increase in fines could be expected due to more sanitation and safety requirements being applicable to vacation rental units.<sup>20</sup>

## VI. Technical Deficiencies:

None.

## VII. Related Issues:

The DBPR notes that there may not be sufficient time to complete the rulemaking required by the bill due to the effective date of July 1, 2018. The bill may not provide the division with sufficient rulemaking authority to impose geographical or numerical limits for group and collective licenses. The absence of a geographical or numerical limit could result in one license covering 1,000 or more units throughout the state.<sup>21</sup>

Additionally, DBPR points out that the term “licensed operator” is not defined in ch. 509, F.S., or within the bill.<sup>22</sup>

Existing s. 509.261, F.S., and newly created s. 509.606, F.S., do not specify how long the signage must remain posted. This could result in an establishment that had its license revoked, or was determined to be operating without a license having to display the sign in perpetuity. Additionally, existing s. 509.261, F.S., and newly created s. 509.606, F.S., would create differing results based on the division’s staggered license renewal schedule because a revoked establishment can apply for a new license after their next renewal date.<sup>23</sup>

The bill may potentially conflict with s. 509.221(2)(a), F.S., which directs the division to adopt a rule establishing categories of establishments that are not subject to the s. 509.221(2), F.S., public bathroom requirement and with Section 455.3.2.2, 2017 Florida Building Code – Building, Sixth, which exempts resort condominiums and resort dwellings (now called vacation rentals) from public bathroom requirements. Rule 61C-1.004, F.A.C., currently excludes nontransient establishments, vacation rentals, and timeshare projects from the requirement. Given that vacation rental units are typically private residences, and thus restricted from access to the general public, it is difficult to comply with the requirement for publicly accessible bathrooms. Vacation rentals can also be private residences when not being rented out, and having to comply with the requirement on a year round basis may also cause issues during times the unit is not open to the public.<sup>24</sup>

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<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> Department of Business and Professional Regulation, Senate Bill 1400 Analysis (January 23, 2018).

<sup>24</sup> *Id.*

As the term “public lodging facility” is not defined in Ch. 509, F.S., or within the bill, it is unclear whether a vacation rental is a public lodging facility. If not, the five hearing impaired smoke detector minimum would not apply and vacation rentals would be required to have one per 50 units.<sup>25</sup>

The new proposed definition of “commercial vacation rental” may conflict with the current definition of “single license” as licensed agents are not currently eligible for a single license.<sup>26</sup> The bill may not provide the division with sufficient rulemaking authority to impose geographical limits for commercial vacation rentals.<sup>27</sup>

#### **VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 159.27, 212.08, 316.1955, 404.056, 477.0135, 509.013, 509.032, 509.072, 509.091, 509.095, 509.101, 509.111, 509.141, 509.142, 509.144, 509.162, 509.2015, 509.211, 509.2112, 509.215, 509.221, 509.241, 509.242, 509.251, 509.281, 509.302, 509.4005, 509.401, 509.402, 509.405, 509.409, 509.417, 553.5041, 717.1355, and 877.24.

This bill creates the following sections of the Florida Statutes: 509.601, 509.603, 509.604, 509.605, 509.606, 509.607, and 509.608.

#### **IX. Additional Information:**

A. **Committee Substitute – Statement of Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. **Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/30/2018	.	
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The Committee on Community Affairs (Steube) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 101 - 1322  
and insert:  
consisting of ss. 509.601-509.609, Florida Statutes, to be  
entitled "Vacation Rentals."

Section 2. Section 509.601, Florida Statutes, is created to  
read:

509.601 Short title.—This part may be cited as the "Florida  
Vacation Rental Act."



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11 Section 3. Section 509.603, Florida Statutes, is created to  
12 read:

13 509.603 Legislative findings and purpose; preemption of  
14 subject matter; duties.-

15 (1) The Legislature finds that:

16 (a) Property owners who choose to use their property as a  
17 vacation rental have constitutionally protected property rights  
18 and other rights that must be protected, including the right to  
19 use their residential property as a vacation rental;

20 (b) Vacation rentals play a significant, unique, and  
21 critical role in Florida's tourism industry, and that role is  
22 different from that of public lodging establishments;

23 (c) There are factors unique to the ownership and operation  
24 of a vacation rental; and

25 (d) Vacation rentals are residential in nature and, thus,  
26 belong in residential neighborhoods.

27 (2) This part is created for the purpose of regulating the  
28 factors unique to vacation rentals. The applicable provisions of  
29 part I of this chapter are hereby deemed incorporated into this  
30 part.

31 (3) All regulation of vacation rentals is preempted to the  
32 state unless otherwise provided for in this chapter.

33 (4) The division has the authority to carry out this  
34 chapter.

35 (5) The division shall adopt rules pursuant to ss.  
36 120.536(1) and 120.54 to implement this part.

37 (6) If any provision of this part is held invalid, it is  
38 the legislative intent that the preemption by this section be no  
39 longer applicable to the provision of the part held invalid.



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40 Section 4. Section 509.604, Florida Statutes, is created to  
41 read:

42 509.604 Licenses required; exceptions.

43 (1) PREEMPTION.—All licensing of vacation rentals is  
44 preempted to the state.

45 (2) LICENSES; ANNUAL RENEWALS.—Each vacation rental shall  
46 obtain a license from the division. Such license may not be  
47 transferred from one place or individual to another. It shall be  
48 a misdemeanor of the second degree, punishable as provided in s.  
49 775.082 or s. 775.083, for such a rental to operate without a  
50 license. Local law enforcement shall provide immediate  
51 assistance in pursuing an illegally operating vacation rental.  
52 The division may refuse to issue a license, or a renewal  
53 thereof, to any vacation rental of an operator of which, within  
54 the preceding 5 years, has been adjudicated guilty of, or has  
55 forfeited a bond when charged with, any crime reflecting on  
56 professional character, including soliciting for prostitution,  
57 pandering, letting premises for prostitution, keeping a  
58 disorderly place, or illegally dealing in controlled substances  
59 as defined in chapter 893, whether in this state or in any other  
60 jurisdiction within the United States, or has had a license  
61 denied, revoked, or suspended pursuant to s. 429.14. Licenses  
62 must be renewed annually, and the division shall adopt a rule  
63 establishing a staggered schedule for license renewals. If any  
64 license expires while administrative charges are pending against  
65 the license, the proceedings against the license shall continue  
66 to conclusion as if the license were still in effect.

67 (3) APPLICATION FOR LICENSE.—Each person intending to use  
68 his or her property as a vacation rental must apply for and



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69 receive a license from the division before the commencement of  
70 such use. The license application must require the operator's  
71 emergency contact telephone number. The division must  
72 immediately issue a temporary license upon receipt of such  
73 application and such temporary license allows the property to  
74 begin use as a vacation rental while the application is pending  
75 action. The temporary license expires upon final agency action  
76 on the license application.

77 (4) DISPLAY OF LICENSE.—Any license issued by the division  
78 must be conspicuously displayed in the vacation rental.

79 Section 5. Section 509.605, Florida Statutes, is created to  
80 read:

81 509.605 License fees.—

82 (1) The division shall adopt by rule a fee to be paid by  
83 each vacation rental as a prerequisite to issuance or renewal of  
84 a license. Vacation rental units within separate buildings or at  
85 separate locations but managed by one licensed operator may be  
86 combined in a single license application, and the division shall  
87 charge a license fee as if all units in the application are a  
88 single vacation rental; however, such fee may not exceed \$1,000.  
89 The division may only issue a license for a maximum of 75 units  
90 under one license. The rule must require a vacation rental that  
91 applies for an initial license to pay the full license fee if  
92 application is made during the annual renewal period or more  
93 than 6 months before the next such renewal period and one-half  
94 of the fee if application is made 6 months or less before such  
95 period. The rule must also require that fees be collected for  
96 the purpose of funding the Hospitality Education Program,  
97 pursuant to s. 509.302. Such fees must be payable in full for



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98 each application regardless of when the application is  
99 submitted.

100 (2) Upon making initial application or an application for  
101 change of ownership of a vacation rental, the applicant must pay  
102 to the division a fee as prescribed by rule, not to exceed \$50,  
103 in addition to any other fees required by law, which must cover  
104 all costs associated with initiating regulation of the vacation  
105 rental.

106 (3) A license renewal filed with the division after the  
107 expiration date must be accompanied by a delinquent fee as  
108 prescribed by rule, not to exceed \$50, in addition to the  
109 renewal fee and any other fees required by law.

110 Section 6. Section 509.606, Florida Statutes, is created to  
111 read:

112 509.606 Revocation or suspension of licenses; fines;  
113 procedure.—

114 (1) Any vacation rental operating in violation of this part  
115 or the rules of the division, operating without a license, or  
116 operating with a suspended or revoked license may be subject by  
117 the division to:

118 (a) Fines not to exceed \$1,000 per offense; and

119 (b) The suspension, revocation, or refusal of a license  
120 issued pursuant to this chapter.

121 (2) For the purposes of this section, the division may  
122 regard as a separate offense each day or portion of a day on  
123 which a vacation rental is operated in violation of a "critical  
124 law or rule," as that term is defined by rule.

125 (3) The division shall post a prominent closed-for-  
126 operation sign on any vacation rental, the license of which has



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127 been suspended or revoked. The division shall also post such  
128 sign on any vacation rental judicially or administratively  
129 determined to be operating without a license. It is a  
130 misdemeanor of the second degree, punishable as provided in s.  
131 775.082 or s. 775.083, for any person to deface or remove such  
132 closed-for-operation sign or for any vacation rental to open for  
133 operation without a license or to open for operation while its  
134 license is suspended or revoked. The division may impose  
135 administrative sanctions for violations of this section.

136 (4) All funds received by the division as satisfaction for  
137 administrative fines must be paid into the State Treasury to the  
138 credit of the Hotel and Restaurant Trust Fund and may not  
139 subsequently be used for payment to any entity performing  
140 required inspections under contract with the division.  
141 Administrative fines may be used to support division programs  
142 pursuant to s. 509.302(1).

143 (5) (a) A license may not be suspended under this section  
144 for a period of more than 12 months. At the end of such period  
145 of suspension, the vacation rental may apply for reinstatement  
146 or renewal of the license. A vacation rental, the license of  
147 which is revoked, may not apply for another license for that  
148 location before the date on which the revoked license would have  
149 expired.

150 (b) The division may fine, suspend, or revoke the license  
151 of any vacation rental if an operator knowingly lets, leases, or  
152 gives space for unlawful gambling purposes or permits unlawful  
153 gambling in such establishment or in or upon any premises which  
154 are used in connection with, and are under the same charge,  
155 control, or management as, such establishment.



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156       (6) The division may fine, suspend, or revoke the license  
157 of any vacation rental when:

158       (a) Any person with a direct financial interest in the  
159 licensed vacation rental, within the preceding 5 years in this  
160 state, any other state, or the United States, has been  
161 adjudicated guilty of or forfeited a bond when charged with  
162 soliciting for prostitution, pandering, letting premises for  
163 prostitution, keeping a disorderly place, illegally dealing in  
164 controlled substances as defined in chapter 893, or any other  
165 crime reflecting on professional character.

166       (b) The division has deemed such vacation rental to be an  
167 imminent danger to the public health and safety for failure to  
168 meet sanitation standards, or the division has determined the  
169 vacation rental to be unsafe or unfit for human occupancy.

170       (c) An advertisement for the vacation rental does not  
171 display the vacation rental license number.

172       (7) A person is not entitled to the issuance of a license  
173 for any vacation rental except in the discretion of the director  
174 when the division has notified the current licensee for such  
175 premises that administrative proceedings have been or will be  
176 brought against such current licensee for violation of any  
177 provision of this chapter or rule of the division.

178       (8) The division may fine, suspend, or revoke the license  
179 of any vacation rental when the rental is not in compliance with  
180 the requirements of a final order or other administrative action  
181 issued against the licensee by the division.

182       (9) The division may refuse to issue or renew the license  
183 of any vacation rental until all outstanding fines are paid in  
184 full to the division as required by all final orders or other



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185 administrative action issued against the licensee by the  
186 division.

187 Section 7. Section 509.607, Florida Statutes, is created to  
188 read:

189 509.607 Exemptions.—Vacation rentals are exempt from  
190 chapter 83 in the same manner as transient rentals. Any person,  
191 partnership, corporation, or other legal entity which, for  
192 another and for compensation or other valuable consideration,  
193 rents or advertises for rent a vacation rental licensed under  
194 chapter 509 is exempt from chapter 475.

195 Section 8. Section 509.608, Florida Statutes, is created to  
196 read:

197 509.608 Inspection of premises.—

198 (1) Inspection of vacation rentals is preempted to the  
199 state, and the division has jurisdiction and is solely  
200 responsible for all inspections. The division is solely  
201 responsible for quality assurance.

202 (2) For purposes of performing inspections and the  
203 enforcement of this chapter, the division has the right of entry  
204 and access to a vacation rental at any reasonable time.

205 (3) The division may not establish by rule any regulation  
206 governing the design, construction, erection, alteration,  
207 modification, repair, or demolition of any vacation rental.

208 (4) Vacation rentals must be made available to the division  
209 for inspection upon request. If, during the inspection of a  
210 vacation rental, an inspector identifies vulnerable adults who  
211 appear to be victims of neglect, as defined in s. 415.102, or,  
212 in the case of a building that is not equipped with automatic  
213 sprinkler systems, tenants or clients who may be unable to self-



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214 preserve in an emergency, the division shall convene meetings  
215 with the following agencies as appropriate to the individual  
216 situation: the Department of Health, the Department of Elderly  
217 Affairs, the area agency on aging, the local fire marshal, the  
218 landlord and affected tenants and clients, and other relevant  
219 organizations, to develop a plan that improves the prospects for  
220 safety of affected residents and, if necessary, identifies  
221 alternative living arrangements, such as facilities licensed  
222 under part II of chapter 400 or under chapter 429.

223 (5) The division shall inspect vacation rentals whenever  
224 necessary to respond to an emergency or epidemiological  
225 condition.

226 Section 9. Section 509.609, Florida Statutes, is created to  
227 read:

228 509.609 Multiple unit vacation rental operators, additional  
229 requirements.-

230 (1) When 5 or more vacation rentals in multifamily  
231 dwelling are under common ownership and any such vacation  
232 rental is rented out more than 180 days per year, such vacation  
233 rental is subject to the additional requirements of this  
234 section.

235 (2) In addition to the requirements of s. 509.604:

236 (a) When applying for an initial license, operators of  
237 vacation rentals subject to this section must identify to the  
238 division each such vacation rental they intend to rent out more  
239 than 180 days during the term of the license. Such vacation  
240 rentals must be subject to the same inspection requirements as  
241 public lodging establishments under s. 509.032(2).

242 (b) When applying for a license renewal, all vacation



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243 rentals subject to this section which were rented out more than  
244 180 days during the previous licensure period or which are  
245 intended to be rented out more than 180 days during the term of  
246 the license are subject to the same inspection requirements as  
247 public lodging establishments under s. 509.032(2).

248 (3) Violations of this section subject a vacation rental  
249 that is required to but fails to comply with this section to  
250 license revocation or suspension.

251 (4) Each year, the division must audit 1 percent of  
252 operators who are subject to this section to ensure compliance.  
253 During an audit, the division must request from the vacation  
254 rental operator the register required under s. 509.101(2) to  
255 ascertain the number of nights rented.

256 (5) This section does not apply to single-family houses.

257 Section 10. Section 509.013, Florida Statutes, is reordered  
258 and amended to read:

259 509.013 Definitions.—As used in this chapter, the term:

260 (2)~~(1)~~ "Division" means the Division of Hotels and  
261 Restaurants of the Department of Business and Professional  
262 Regulation.

263 (7)~~(2)~~ "Operator" means the owner, licensee, proprietor,  
264 lessee, manager, assistant manager, or appointed agent of a  
265 public lodging establishment, vacation rental, or public food  
266 service establishment.

267 (3) "Guest" means any patron, customer, tenant, lodger,  
268 boarder, or occupant of a public lodging establishment, vacation  
269 rental, or public food service establishment.

270 (9)~~(4)~~(a) "Public lodging establishment" includes a  
271 transient public lodging establishment as defined in



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272 subparagraph 1. and a nontransient public lodging establishment  
273 as defined in subparagraph 2.

274 1. "Transient public lodging establishment" means any unit,  
275 group of units, dwelling, building, or group of buildings within  
276 a single complex of buildings which is rented to guests more  
277 than three times in a calendar year for periods of less than 30  
278 days or 1 calendar month, whichever is less, or which is  
279 advertised or held out to the public as a place regularly rented  
280 to guests.

281 2. "Nontransient public lodging establishment" means any  
282 unit, group of units, dwelling, building, or group of buildings  
283 within a single complex of buildings which is rented to guests  
284 for periods of at least 30 days or 1 calendar month, whichever  
285 is less, or which is advertised or held out to the public as a  
286 place regularly rented to guests for periods of at least 30 days  
287 or 1 calendar month.

288

289 License classifications of public lodging establishments, and  
290 the definitions therefor, are set out in s. 509.242. For the  
291 purpose of licensure, the term does not include condominium  
292 common elements as defined in s. 718.103.

293 (b) The following are excluded from the definitions in  
294 paragraph (a):

295 1. Any dormitory or other living or sleeping facility  
296 maintained by a public or private school, college, or university  
297 for the use of students, faculty, or visitors.

298 2. Any facility certified or licensed and regulated by the  
299 Agency for Health Care Administration or the Department of  
300 Children and Families or other similar place regulated under s.



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301 381.0072.

302 3. Any place renting four rental units or less, unless the  
303 rental units are advertised or held out to the public to be  
304 places that are regularly rented to transients.

305 4. Any unit or group of units in a condominium,  
306 cooperative, or timeshare plan and any individually or  
307 collectively owned one-family, two-family, three-family, or  
308 four-family dwelling house or dwelling unit that is rented for  
309 periods of at least 30 days or 1 calendar month, whichever is  
310 less, and that is not advertised or held out to the public as a  
311 place regularly rented for periods of less than 1 calendar  
312 month, provided that no more than four rental units within a  
313 single complex of buildings are available for rent.

314 5. Any migrant labor camp or residential migrant housing  
315 permitted by the Department of Health under ss. 381.008-  
316 381.00895.

317 6. Any establishment inspected by the Department of Health  
318 and regulated by chapter 513.

319 7. Any nonprofit organization that operates a facility  
320 providing housing only to patients, patients' families, and  
321 patients' caregivers and not to the general public.

322 8. Any apartment building inspected by the United States  
323 Department of Housing and Urban Development or other entity  
324 acting on the department's behalf that is designated primarily  
325 as housing for persons at least 62 years of age. The division  
326 may require the operator of the apartment building to attest in  
327 writing that such building meets the criteria provided in this  
328 subparagraph. The division may adopt rules to implement this  
329 requirement.



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330           9. Any roominghouse, boardinghouse, or other living or  
331 sleeping facility that may not be classified as a hotel, motel,  
332 timeshare project, ~~vacation rental~~, nontransient apartment, bed  
333 and breakfast inn, or transient apartment under s. 509.242.

334           10. Any vacation rental.

335           ~~(8)-(5)~~(a) "Public food service establishment" means any  
336 building, vehicle, place, or structure, or any room or division  
337 in a building, vehicle, place, or structure where food is  
338 prepared, served, or sold for immediate consumption on or in the  
339 vicinity of the premises; called for or taken out by customers;  
340 or prepared before ~~prior to~~ being delivered to another location  
341 for consumption. The term includes a culinary education program,  
342 as defined in s. 381.0072(2), which offers, prepares, serves, or  
343 sells food to the general public, regardless of whether it is  
344 inspected by another state agency for compliance with sanitation  
345 standards.

346           (b) The following are excluded from the definition in  
347 paragraph (a):

348           1. Any place maintained and operated by a public or private  
349 school, college, or university:

350           a. For the use of students and faculty; or

351           b. Temporarily to serve such events as fairs, carnivals,  
352 food contests, cook-offs, and athletic contests.

353           2. Any eating place maintained and operated by a church or  
354 a religious, nonprofit fraternal, or nonprofit civic  
355 organization:

356           a. For the use of members and associates; or

357           b. Temporarily to serve such events as fairs, carnivals,  
358 food contests, cook-offs, or athletic contests.



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359  
360 Upon request by the division, a church or a religious, nonprofit  
361 fraternal, or nonprofit civic organization claiming an exclusion  
362 under this subparagraph must provide the division documentation  
363 of its status as a church or a religious, nonprofit fraternal,  
364 or nonprofit civic organization.

365         3. Any eating place maintained and operated by an  
366 individual or entity at a food contest, cook-off, or a temporary  
367 event lasting from 1 to 3 days which is hosted by a church or a  
368 religious, nonprofit fraternal, or nonprofit civic organization.  
369 Upon request by the division, the event host must provide the  
370 division documentation of its status as a church or a religious,  
371 nonprofit fraternal, or nonprofit civic organization.

372         4. Any eating place located on an airplane, train, bus, or  
373 watercraft which is a common carrier.

374         5. Any eating place maintained by a facility certified or  
375 licensed and regulated by the Agency for Health Care  
376 Administration or the Department of Children and Families or  
377 other similar place that is regulated under s. 381.0072.

378         6. Any place of business issued a permit or inspected by  
379 the Department of Agriculture and Consumer Services under s.  
380 500.12.

381         7. Any place of business where the food available for  
382 consumption is limited to ice, beverages with or without  
383 garnishment, popcorn, or prepackaged items sold without  
384 additions or preparation.

385         8. Any theater, if the primary use is as a theater and if  
386 patron service is limited to food items customarily served to  
387 the admittees of theaters.



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388           9. Any vending machine that dispenses any food or beverages  
389 other than potentially hazardous foods, as defined by division  
390 rule.

391           10. Any vending machine that dispenses potentially  
392 hazardous food and which is located in a facility regulated  
393 under s. 381.0072.

394           11. Any research and development test kitchen limited to  
395 the use of employees and which is not open to the general  
396 public.

397           (1)~~(6)~~ "Director" means the Director of the Division of  
398 Hotels and Restaurants of the Department of Business and  
399 Professional Regulation.

400           (10)~~(7)~~ "Single complex of buildings" means all buildings  
401 or structures that are owned, managed, controlled, or operated  
402 under one business name and are situated on the same tract or  
403 plot of land that is not separated by a public street or  
404 highway.

405           (11)~~(8)~~ "Temporary food service event" means any event of  
406 30 days or less in duration where food is prepared, served, or  
407 sold to the general public.

408           (12)~~(9)~~ "Theme park or entertainment complex" means a  
409 complex consisting ~~comprised~~ of at least 25 contiguous acres  
410 owned and controlled by the same business entity and which  
411 contains permanent exhibitions and a variety of recreational  
412 activities and has a minimum of 1 million visitors annually.

413           (13)~~(10)~~ "Third-party provider" means, for purposes of s.  
414 509.049, any provider of an approved food safety training  
415 program that provides training or such a training program to a  
416 public food service establishment that is not under common



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417 ownership or control with the provider.

418 ~~(15)-(11)~~ "Transient establishment" means any public lodging  
419 establishment that is rented or leased to guests by an operator  
420 whose intention is that such guests' occupancy will be  
421 temporary.

422 ~~(16)-(12)~~ "Transient occupancy" means occupancy when it is  
423 the intention of the parties that the occupancy will be  
424 temporary. There is a rebuttable presumption that, when the  
425 dwelling unit occupied is not the sole residence of the guest,  
426 the occupancy is transient.

427 ~~(14)-(13)~~ "Transient" means a guest in transient occupancy.

428 ~~(5)-(14)~~ "Nontransient establishment" means any public  
429 lodging establishment that is rented or leased to guests by an  
430 operator whose intention is that the dwelling unit occupied will  
431 be the sole residence of the guest.

432 ~~(6)-(15)~~ "Nontransient occupancy" means any occupancy in  
433 which ~~when~~ it is the intention of the parties that such ~~the~~  
434 occupancy will not be temporary. There is a rebuttable  
435 presumption that, when the dwelling unit occupied is the sole  
436 residence of the guest, the occupancy is nontransient.

437 ~~(4)-(16)~~ "Nontransient" means a guest in nontransient  
438 occupancy.

439 (17) "Vacation rental" means any unit in a condominium or  
440 cooperative or any individually or collectively owned single-  
441 family, two-family, three-family, or four-family house or  
442 dwelling unit that is rented to guests for periods of less than  
443 180 days but that is not a timeshare project.

444 Section 11. Paragraphs (a) and (d) of subsection (2),  
445 paragraph (c) of subsection (3), subsection (5), and subsection



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446 (7) of section 509.032, Florida Statutes, are amended to read:  
447 509.032 Duties.—  
448 (2) INSPECTION OF PREMISES.—  
449 (a) The division has jurisdiction and is responsible for  
450 all inspections required by this chapter. The inspection of  
451 vacation rentals shall be done in accordance with part III of  
452 this chapter. The division is responsible for quality assurance.  
453 The division shall inspect each licensed public lodging  
454 establishment at least biannually, except for transient and  
455 nontransient apartments, which shall be inspected at least  
456 annually. Each establishment licensed by the division shall be  
457 inspected at such other times as the division determines is  
458 necessary to ensure the public's health, safety, and welfare.  
459 The division shall adopt by rule a risk-based inspection  
460 frequency for each licensed public food service establishment.  
461 The rule must require at least one, but not more than four,  
462 routine inspections that must be performed annually, and may  
463 include guidelines that consider the inspection and compliance  
464 history of a public food service establishment, the type of food  
465 and food preparation, and the type of service. The division  
466 shall reassess the inspection frequency of all licensed public  
467 food service establishments at least annually. Public lodging  
468 units classified as ~~vacation rentals~~ or timeshare projects are  
469 not subject to this requirement but shall be made available to  
470 the division upon request. If, during the inspection of a public  
471 lodging establishment classified for renting to transient or  
472 nontransient tenants, an inspector identifies vulnerable adults  
473 who appear to be victims of neglect, as defined in s. 415.102,  
474 or, in the case of a building that is not equipped with



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475 automatic sprinkler systems, tenants or clients who may be  
476 unable to self-preserve in an emergency, the division shall  
477 convene meetings with the following agencies as appropriate to  
478 the individual situation: the Department of Health, the  
479 Department of Elderly Affairs, the area agency on aging, the  
480 local fire marshal, the landlord and affected tenants and  
481 clients, and other relevant organizations, to develop a plan  
482 that improves the prospects for safety of affected residents  
483 and, if necessary, identifies alternative living arrangements  
484 such as facilities licensed under part II of chapter 400 or  
485 under chapter 429.

486 (d) The division shall adopt and enforce sanitation rules  
487 consistent with law to ensure the protection of the public from  
488 food-borne illness in those establishments licensed under this  
489 chapter. These rules shall provide the standards and  
490 requirements for obtaining, storing, preparing, processing,  
491 serving, or displaying food in public food service  
492 establishments, approving public food service establishment  
493 facility plans, conducting necessary public food service  
494 establishment inspections for compliance with sanitation  
495 regulations, cooperating and coordinating with the Department of  
496 Health in epidemiological investigations, and initiating  
497 enforcement actions, and for other such responsibilities deemed  
498 necessary by the division. The division may not establish by  
499 rule any regulation governing the design, construction,  
500 erection, alteration, modification, repair, or demolition of any  
501 public lodging or public food service establishment. It is the  
502 intent of the Legislature to preempt that function to the  
503 Florida Building Commission and the State Fire Marshal through



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504 adoption and maintenance of the Florida Building Code and the  
505 Florida Fire Prevention Code. The division shall provide  
506 technical assistance to the commission in updating the  
507 construction standards of the Florida Building Code which govern  
508 public lodging and public food service establishments. Further,  
509 the division shall enforce the provisions of the Florida  
510 Building Code which apply to public lodging and public food  
511 service establishments in conducting any inspections authorized  
512 by this part. The division, or its agent, shall notify the local  
513 firesafety authority or the State Fire Marshal of any readily  
514 observable violation of a rule adopted under chapter 633 which  
515 relates to public lodging establishments, vacation rental, or  
516 public food establishments, and the identification of such  
517 violation does not require any firesafety inspection  
518 certification.

519 (3) SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD SERVICE  
520 EVENTS.—The division shall:

521 (c) Administer a public notification process for temporary  
522 food service events and distribute educational materials that  
523 address safe food storage, preparation, and service procedures.

524 1. Sponsors of temporary food service events shall notify  
525 the division not less than 3 days before the scheduled event of  
526 the type of food service proposed, the time and location of the  
527 event, a complete list of food service vendors participating in  
528 the event, the number of individual food service facilities each  
529 vendor will operate at the event, and the identification number  
530 of each food service vendor's current license as a public food  
531 service establishment or temporary food service event licensee.  
532 Notification may be completed orally, by telephone, in person,



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533 or in writing. A public food service establishment or food  
534 service vendor may not use this notification process to  
535 circumvent the license requirements of this chapter.

536 2. The division shall keep a record of all notifications  
537 received for proposed temporary food service events and shall  
538 provide appropriate educational materials to the event sponsors  
539 and notify the event sponsors of the availability of the food-  
540 recovery brochure developed under s. 595.420.

541 3.a. Unless excluded under s. 509.013(8)(b) ~~s.~~  
542 ~~509.013(5)(b)~~, a public food service establishment or other food  
543 service vendor must obtain one of the following classes of  
544 license from the division: an individual license, for a fee of  
545 no more than \$105, for each temporary food service event in  
546 which it participates; or an annual license, for a fee of no  
547 more than \$1,000, that entitles the licensee to participate in  
548 an unlimited number of food service events during the license  
549 period. The division shall establish license fees, by rule, and  
550 may limit the number of food service facilities a licensee may  
551 operate at a particular temporary food service event under a  
552 single license.

553 b. Public food service establishments holding current  
554 licenses from the division may operate under the regulations of  
555 such a license at temporary food service events.

556 (5) REPORTS REQUIRED.—The division shall submit annually to  
557 the Governor, the President of the Senate, the Speaker of the  
558 House of Representatives, and the chairs of the legislative  
559 appropriations committees a report, which shall state, but need  
560 not be limited to, the total number of active public lodging and  
561 public food service licenses in the state, the total number of



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562 inspections of these establishments conducted by the division to  
563 ensure the enforcement of sanitary standards, the total number  
564 of inspections conducted in response to emergency or  
565 epidemiological conditions, the number of violations of each  
566 sanitary standard, the total number of inspections conducted to  
567 meet the statutorily required number of inspections, and any  
568 recommendations for improved inspection procedures. The division  
569 shall also keep accurate account of all expenses arising out of  
570 the performance of its duties and all fees collected under this  
571 chapter. The report shall be submitted by September 30 following  
572 the end of the fiscal year. This report must also include  
573 vacation rentals, as applicable.

574 (7) LOCAL REGULATION ~~PREEMPTION AUTHORITY.~~-

575 (a) The regulation of public lodging establishments and  
576 public food service establishments, including, but not limited  
577 to, sanitation standards, inspections, training and testing of  
578 personnel, and matters related to the nutritional content and  
579 marketing of foods offered in such establishments, is preempted  
580 to the state. This paragraph does not preempt the authority of a  
581 local government or local enforcement district to conduct  
582 inspections of public lodging and public food service  
583 establishments for compliance with the Florida Building Code and  
584 the Florida Fire Prevention Code, pursuant to ss. 553.80 and  
585 633.206.

586 (b) 1. A local government may regulate activities that arise  
587 when a property is used as a vacation rental, provided such  
588 regulation applies uniformly to all residential properties  
589 without regard to whether the property is used as a vacation  
590 rental or as a long-term rental subject to part II of chapter 83



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591 or whether a property owner chooses not to rent the property.

592 2. The division shall make the vacation rental license  
593 information required under this chapter, including the  
594 operator's emergency contact information, available to the  
595 public and local governments. Local governments may use this  
596 license information for informational purposes only ~~A local law,~~  
597 ~~ordinance, or regulation may not prohibit vacation rentals or~~  
598 ~~regulate the duration or frequency of rental of vacation~~  
599 ~~rentals. This paragraph does not apply to any local law,~~  
600 ~~ordinance, or regulation adopted on or before June 1, 2011.~~

601 Section 12. Subsection (12) of section 159.27, Florida  
602 Statutes, is amended to read:

603 159.27 Definitions.—The following words and terms, unless  
604 the context clearly indicates a different meaning, shall have  
605 the following meanings:

606 (12) "Public lodging or restaurant facility" means property  
607 used for any public lodging establishment as defined in s.  
608 509.242 or public food service establishment as defined in s.  
609 509.013 ~~s. 509.013(5)~~ if it is part of the complex of, or  
610 necessary to, another facility qualifying under this part.

611 Section 13. Paragraph (jj) of subsection (7) of section  
612 212.08, Florida Statutes, is amended to read:

613 212.08 Sales, rental, use, consumption, distribution, and  
614 storage tax; specified exemptions.—The sale at retail, the  
615 rental, the use, the consumption, the distribution, and the  
616 storage to be used or consumed in this state of the following  
617 are hereby specifically exempt from the tax imposed by this  
618 chapter.

619 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any



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620 entity by this chapter do not inure to any transaction that is  
621 otherwise taxable under this chapter when payment is made by a  
622 representative or employee of the entity by any means,  
623 including, but not limited to, cash, check, or credit card, even  
624 when that representative or employee is subsequently reimbursed  
625 by the entity. In addition, exemptions provided to any entity by  
626 this subsection do not inure to any transaction that is  
627 otherwise taxable under this chapter unless the entity has  
628 obtained a sales tax exemption certificate from the department  
629 or the entity obtains or provides other documentation as  
630 required by the department. Eligible purchases or leases made  
631 with such a certificate must be in strict compliance with this  
632 subsection and departmental rules, and any person who makes an  
633 exempt purchase with a certificate that is not in strict  
634 compliance with this subsection and the rules is liable for and  
635 shall pay the tax. The department may adopt rules to administer  
636 this subsection.

637 (jj) *Complimentary meals.*—Also exempt from the tax imposed  
638 by this chapter are food or drinks that are furnished as part of  
639 a packaged room rate by any person offering for rent or lease  
640 any transient living accommodations as described in s.  
641 509.013(9)(a) ~~s. 509.013(4)(a)~~ which are licensed under part I  
642 of chapter 509 and which are subject to the tax under s. 212.03,  
643 if a separate charge or specific amount for the food or drinks  
644 is not shown. Such food or drinks are considered to be sold at  
645 retail as part of the total charge for the transient living  
646 accommodations. Moreover, the person offering the accommodations  
647 is not considered to be the consumer of items purchased in  
648 furnishing such food or drinks and may purchase those items



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649 under conditions of a sale for resale.

650 Section 14. Paragraph (b) of subsection (4) of section  
651 316.1955, Florida Statutes, is amended to read:

652 316.1955 Enforcement of parking requirements for persons  
653 who have disabilities.-

654 (4)

655 (b) Notwithstanding paragraph (a), a theme park or an  
656 entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~  
657 which provides parking in designated areas for persons who have  
658 disabilities may allow any vehicle that is transporting a person  
659 who has a disability to remain parked in a space reserved for  
660 persons who have disabilities throughout the period the theme  
661 park is open to the public for that day.

662 Section 15. Subsection (5) of section 404.056, Florida  
663 Statutes, is amended to read:

664 404.056 Environmental radiation standards and projects;  
665 certification of persons performing measurement or mitigation  
666 services; mandatory testing; notification on real estate  
667 documents; rules.-

668 (5) NOTIFICATION ON REAL ESTATE DOCUMENTS.-Notification  
669 shall be provided on at least one document, form, or application  
670 executed at the time of, or prior to, contract for sale and  
671 purchase of any building or execution of a rental agreement for  
672 any building. Such notification shall contain the following  
673 language:

674

675 "RADON GAS: Radon is a naturally occurring radioactive gas  
676 that, when it has accumulated in a building in sufficient  
677 quantities, may present health risks to persons who are exposed



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678 to it over time. Levels of radon that exceed federal and state  
679 guidelines have been found in buildings in Florida. Additional  
680 information regarding radon and radon testing may be obtained  
681 from your county health department.”

682

683 The requirements of this subsection do not apply to any  
684 residential transient occupancy, as described in s. 509.013(16)  
685 ~~s. 509.013(12)~~, provided that such occupancy is 45 days or less  
686 in duration.

687 Section 16. Subsection (6) of section 477.0135, Florida  
688 Statutes, is amended to read:

689 477.0135 Exemptions.—

690 (6) A license is not required of any individual providing  
691 makeup or special effects services in a theme park or  
692 entertainment complex to an actor, stunt person, musician,  
693 extra, or other talent, or providing makeup or special effects  
694 services to the general public. The term “theme park or  
695 entertainment complex” has the same meaning as in s. 509.013 ~~s.~~  
696 ~~509.013(9)~~.

697 Section 17. Subsection (1) of section 509.072, Florida  
698 Statutes, is amended to read:

699 509.072 Hotel and Restaurant Trust Fund; collection and  
700 disposition of moneys received.—

701 (1) There is created a Hotel and Restaurant Trust Fund to  
702 be used for the administration and operation of the division and  
703 the carrying out of all laws and rules under the jurisdiction of  
704 the division pertaining to the construction, maintenance, and  
705 operation of public lodging establishments, vacation rentals,  
706 and public food service establishments, including the inspection



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707 of elevators as required under chapter 399. All funds collected  
708 by the division and the amounts paid for licenses and fees shall  
709 be deposited in the State Treasury into the Hotel and Restaurant  
710 Trust Fund.

711 Section 18. Section 509.091, Florida Statutes, is amended  
712 to read:

713 509.091 Notices; form and service.—

714 (1) Each notice served by the division pursuant to this  
715 chapter must be in writing and must be delivered personally by  
716 an agent of the division or by registered letter to the operator  
717 of the public lodging establishment, vacation rental, or public  
718 food service establishment. If the operator refuses to accept  
719 service or evades service or the agent is otherwise unable to  
720 effect service after due diligence, the division may post such  
721 notice in a conspicuous place at the establishment.

722 (2) Notwithstanding subsection (1), the division may  
723 deliver lodging inspection reports and food service inspection  
724 reports to the operator of the public lodging establishment, vacation rental, or public food service establishment by  
725 electronic means.  
726

727 Section 19. Section 509.092, Florida Statutes, is amended  
728 to read:

729 509.092 Public lodging establishments, vacation rentals,  
730 and public food service establishments; rights as private  
731 enterprises.—Public lodging establishments and public food  
732 service establishments are private enterprises, and the operator  
733 has the right to refuse accommodations or service to any person  
734 who is objectionable or undesirable to the operator, but such  
735 refusal may not be based upon race, creed, color, sex,



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736 pregnancy, physical disability, or national origin. A person  
737 aggrieved by a violation of this section or a violation of a  
738 rule adopted under this section has a right of action pursuant  
739 to s. 760.11.

740 Section 20. Section 509.095, Florida Statutes, is amended  
741 to read:

742 509.095 Accommodations at public lodging establishments or  
743 vacation rentals for individuals with a valid military  
744 identification card.—Upon the presentation of a valid military  
745 identification card by an individual who is currently on active  
746 duty as a member of the United States Armed Forces, National  
747 Guard, Reserve Forces, or Coast Guard, and who seeks to obtain  
748 accommodations at a hotel, motel, or bed and breakfast inn, as  
749 defined in s. 509.242, or vacation rental, such hotel, motel, ~~or~~  
750 bed and breakfast inn, or vacation rental shall waive any  
751 minimum age policy that it may have which restricts  
752 accommodations to individuals based on age. Duplication of a  
753 military identification card presented pursuant to this section  
754 is prohibited.

755 Section 21. Subsections (1) and (2) of section 509.101,  
756 Florida Statutes, are amended to read:

757 509.101 Establishment rules; posting of notice; food  
758 service inspection report; maintenance of guest register; mobile  
759 food dispensing vehicle registry.—

760 (1) Any operator of a public lodging establishment,  
761 vacation rental, or a public food service establishment may  
762 establish reasonable rules and regulations for the management of  
763 the establishment and its guests and employees; and each guest  
764 or employee staying, sojourning, eating, or employed in the



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765 establishment shall conform to and abide by such rules and  
766 regulations so long as the guest or employee remains in or at  
767 the establishment. Such rules and regulations shall be deemed to  
768 be a special contract between the operator and each guest or  
769 employee using the services or facilities of the operator. Such  
770 rules and regulations shall control the liabilities,  
771 responsibilities, and obligations of all parties. Any rules or  
772 regulations established pursuant to this section shall be  
773 printed in the English language and posted in a prominent place  
774 within such public lodging establishment, vacation rental, or  
775 public food service establishment. In addition, any operator of  
776 a public food service establishment shall maintain a copy of the  
777 latest food service inspection report and shall make it  
778 available to the division at the time of any division inspection  
779 of the establishment and to the public, upon request.

780 (2) It is the duty of each operator of a transient  
781 establishment or vacation rental to maintain at all times a  
782 register of, ~~signed by or for~~ guests who occupy rental units  
783 within the establishment, showing the dates upon which the  
784 rental units were occupied by such guests and the rates charged  
785 for their occupancy. This register shall be maintained in  
786 chronological order and available for inspection by the division  
787 at any time. Operators need not make available registers which  
788 are more than 2 years old.

789 Section 22. Section 509.111, Florida Statutes, is amended  
790 to read:

791 509.111 Liability for property of guests.—

792 (1) The operator of a public lodging establishment or  
793 vacation rental is not under any obligation to accept for



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794 safekeeping any moneys, securities, jewelry, or precious stones  
795 of any kind belonging to any guest, and, if such are accepted  
796 for safekeeping, the operator is not liable for the loss thereof  
797 unless such loss was the proximate result of fault or negligence  
798 of the operator. However, the liability of the operator shall be  
799 limited to \$1,000 for such loss, if the public lodging  
800 establishment or vacation rental gave a receipt for the property  
801 (stating the value) on a form which stated, in type large enough  
802 to be clearly noticeable, that the public lodging establishment  
803 or vacation rental was not liable for any loss exceeding \$1,000  
804 and was only liable for that amount if the loss was the  
805 proximate result of fault or negligence of the operator.

806 (2) The operator of a public lodging establishment or  
807 vacation rental is not liable or responsible to any guest for  
808 the loss of wearing apparel, goods, or other property, except as  
809 provided in subsection (1), unless such loss occurred as the  
810 proximate result of fault or negligence of such operator, and,  
811 in case of fault or negligence, the operator is not liable for a  
812 greater sum than \$500, unless the guest, before ~~prior to~~ the  
813 loss or damage, files with the operator an inventory of the  
814 guest's effects and the value thereof and the operator is given  
815 the opportunity to inspect such effects and check them against  
816 such inventory. The operator of a public lodging establishment  
817 or vacation rental is not liable or responsible to any guest for  
818 the loss of effects listed in such inventory in a total amount  
819 exceeding \$1,000.

820 Section 23. Section 509.141, Florida Statutes, is amended  
821 to read:

822 509.141 Refusal of admission and ejection of undesirable



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823 guests; notice; procedure; penalties for refusal to leave.-

824       (1) The operator of any public lodging establishment,  
825 vacation rental, or public food service establishment may remove  
826 or cause to be removed from such establishment, in the manner  
827 hereinafter provided, any guest of the establishment who, while  
828 on the premises of the establishment, illegally possesses or  
829 deals in controlled substances as defined in chapter 893 or is  
830 intoxicated, profane, lewd, or brawling; who indulges in any  
831 language or conduct which disturbs the peace and comfort of  
832 other guests or which injures the reputation, dignity, or  
833 standing of the establishment; who, in the case of a public  
834 lodging establishment or vacation rental, fails to make payment  
835 of rent at the agreed-upon rental rate by the agreed-upon  
836 checkout time; who, in the case of a public lodging  
837 establishment or vacation rental, fails to check out by the time  
838 agreed upon in writing by the guest and public lodging  
839 establishment or vacation rental at check-in unless an extension  
840 of time is agreed to by the public lodging establishment or  
841 vacation rental and guest before ~~prior to~~ checkout; who, in the  
842 case of a public food service establishment, fails to make  
843 payment for food, beverages, or services; or who, in the opinion  
844 of the operator, is a person the continued entertainment of whom  
845 would be detrimental to such establishment. The admission to, or  
846 the removal from, such establishment may ~~shall~~ not be based upon  
847 race, creed, color, sex, physical disability, or national  
848 origin.

849       (2) The operator of any public lodging establishment,  
850 vacation rental, or public food service establishment shall  
851 notify such guest that the establishment no longer desires to



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852 entertain the guest and shall request that such guest  
853 immediately depart from the establishment. Such notice may be  
854 given orally or in writing. If the notice is in writing, it  
855 shall be as follows:

856

857 "You are hereby notified that this establishment no longer  
858 desires to entertain you as its guest, and you are requested to  
859 leave at once. To remain after receipt of this notice is a  
860 misdemeanor under the laws of this state."

861

862 If such guest has paid in advance, the establishment shall, at  
863 the time such notice is given, tender to such guest the unused  
864 portion of the advance payment; however, the establishment may  
865 withhold payment for each full day that the guest has been  
866 entertained at the establishment for any portion of the 24-hour  
867 period of such day.

868 (3) Any guest who remains or attempts to remain in any such  
869 establishment after being requested to leave commits ~~is guilty~~  
870 ~~of~~ a misdemeanor of the second degree, punishable as provided in  
871 s. 775.082 or s. 775.083.

872 (4) If any person is illegally on the premises of any  
873 public lodging establishment, vacation rental, or public food  
874 service establishment, the operator of such establishment may  
875 call upon any law enforcement officer of this state for  
876 assistance. It is the duty of such law enforcement officer, upon  
877 the request of such operator, to place under arrest and take  
878 into custody for violation of this section any guest who  
879 violates subsection (3) in the presence of the officer. If a  
880 warrant has been issued by the proper judicial officer for the



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881 arrest of any violator of subsection (3), the officer shall  
882 serve the warrant, arrest the person, and take the person into  
883 custody. Upon arrest, with or without warrant, the guest will be  
884 deemed to have given up any right to occupancy or to have  
885 abandoned such right of occupancy of the premises, and the  
886 operator of the establishment may then make such premises  
887 available to other guests. However, the operator of the  
888 establishment shall employ all reasonable and proper means to  
889 care for any personal property which may be left on the premises  
890 by such guest and shall refund any unused portion of moneys paid  
891 by such guest for the occupancy of such premises.

892 Section 24. Section 509.142, Florida Statutes, is amended  
893 to read:

894 509.142 Conduct on premises; refusal of service.—The  
895 operator of a public lodging establishment, vacation rental, or  
896 public food service establishment may refuse accommodations or  
897 service to any person whose conduct on the premises of the  
898 establishment displays intoxication, profanity, lewdness, or  
899 brawling; who indulges in language or conduct such as to disturb  
900 the peace or comfort of other guests; who engages in illegal or  
901 disorderly conduct; who illegally possesses or deals in  
902 controlled substances as defined in chapter 893; or whose  
903 conduct constitutes a nuisance. Such refusal may not be based  
904 upon race, creed, color, sex, physical disability, or national  
905 origin.

906 Section 25. Section 509.144, Florida Statutes, is amended  
907 to read:

908 509.144 Prohibited handbill distribution in a public  
909 lodging establishment or vacation rental; penalties.—



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910 (1) As used in this section, the term:

911 (a) "Handbill" means a flier, leaflet, pamphlet, or other  
912 written material that advertises, promotes, or informs persons  
913 about a person, business, company, or food service establishment  
914 but does not include employee communications permissible under  
915 the National Labor Relations Act, other communications protected  
916 by the First Amendment to the United States Constitution, or  
917 communications about public health, safety, or welfare  
918 distributed by a federal, state, or local governmental entity or  
919 a public or private utility.

920 (b) "Without permission" means without the expressed  
921 written permission of the owner, manager, or agent of the owner  
922 or manager of the public lodging establishment or vacation  
923 rental where a sign is posted prohibiting advertising or  
924 solicitation in the manner provided in subsection (5).

925 (c) "At or in a public lodging establishment or vacation  
926 rental" means any property under the sole ownership or control  
927 of a public lodging establishment or vacation rental.

928 (2) Any person, agent, contractor, or volunteer who is  
929 acting on behalf of a person, business, company, or food service  
930 establishment and who, without permission, delivers,  
931 distributes, or places, or attempts to deliver, distribute, or  
932 place, a handbill at or in a public lodging establishment or  
933 vacation rental commits a misdemeanor of the first degree,  
934 punishable as provided in s. 775.082 or s. 775.083.

935 (3) Any person who, without permission, directs another  
936 person to deliver, distribute, or place, or attempts to deliver,  
937 distribute, or place, a handbill at or in a public lodging  
938 establishment or vacation rental commits a misdemeanor of the



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939 first degree, punishable as provided in s. 775.082 or s.  
940 775.083. Any person sentenced under this subsection shall be  
941 ordered to pay a minimum fine of \$500 in addition to any other  
942 penalty imposed by the court.

943 (4) In addition to any penalty imposed by the court, a  
944 person who violates subsection (2) or subsection (3) must:

945 (a) ~~Shall~~ Pay a minimum fine of \$2,000 for a second  
946 violation.

947 (b) ~~Shall~~ Pay a minimum fine of \$3,000 for a third or  
948 subsequent violation.

949 (5) For purposes of this section, a public lodging  
950 establishment or vacation rental that intends to prohibit  
951 advertising or solicitation, as described in this section, at or  
952 in such establishment must comply with the following  
953 requirements when posting a sign prohibiting such solicitation  
954 or advertising:

955 (a) There must appear prominently on any sign referred to  
956 in this subsection, in letters of not less than 2 inches in  
957 height, the terms "no advertising" or "no solicitation" or terms  
958 that indicate the same meaning.

959 (b) The sign must be posted conspicuously.

960 (c) If the main office of a ~~the~~ public lodging  
961 establishment is immediately accessible by entering the office  
962 through a door from a street, parking lot, grounds, or other  
963 area outside such establishment, the sign must be placed on a  
964 part of the main office, such as a door or window, and the sign  
965 must face the street, parking lot, grounds, or other area  
966 outside such establishment.

967 (d) If the main office of a ~~the~~ public lodging



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968 establishment is not immediately accessible by entering the  
969 office through a door from a street, parking lot, grounds, or  
970 other area outside such establishment, the sign must be placed  
971 in the immediate vicinity of the main entrance to such  
972 establishment, and the sign must face the street, parking lot,  
973 grounds, or other area outside such establishment.

974 (6) Any personal property, including, but not limited to,  
975 any vehicle, item, object, tool, device, weapon, machine, money,  
976 security, book, or record, that is used or attempted to be used  
977 as an instrumentality in the commission of, or in aiding and  
978 abetting in the commission of, a person's third or subsequent  
979 violation of this section, whether or not comprising an element  
980 of the offense, is subject to seizure and forfeiture under the  
981 Florida Contraband Forfeiture Act.

982 Section 26. Subsections (1), (2), and (3) of section  
983 509.162, Florida Statutes, are amended to read:

984 509.162 Theft of personal property; detaining and arrest of  
985 violator; theft by employee.—

986 (1) Any law enforcement officer or operator of a public  
987 lodging establishment, vacation rental, or public food service  
988 establishment who has probable cause to believe that theft of  
989 personal property belonging to such establishment has been  
990 committed by a person and that the officer or operator can  
991 recover such property or the reasonable value thereof by taking  
992 the person into custody may, for the purpose of attempting to  
993 effect such recovery or for prosecution, take such person into  
994 custody on the premises and detain such person in a reasonable  
995 manner and for a reasonable period of time. If the operator  
996 takes the person into custody, a law enforcement officer shall



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997 be called to the scene immediately. The taking into custody and  
998 detention by a law enforcement officer or operator of a public  
999 lodging establishment, vacation rental, or public food service  
1000 establishment, if done in compliance with this subsection, does  
1001 not render such law enforcement officer or operator criminally  
1002 or civilly liable for false arrest, false imprisonment, or  
1003 unlawful detention.

1004 (2) Any law enforcement officer may arrest, either on or  
1005 off the premises and without warrant, any person if there is  
1006 probable cause to believe that person has committed theft in a  
1007 public lodging establishment, vacation rental, or ~~in a~~ public  
1008 food service establishment.

1009 (3) Any person who resists the reasonable effort of a law  
1010 enforcement officer or operator of a public lodging  
1011 establishment, vacation rental, or public food service  
1012 establishment to recover property which the law enforcement  
1013 officer or operator had probable cause to believe had been  
1014 stolen from the public lodging establishment, vacation rental,  
1015 or public food service establishment, and who is subsequently  
1016 found to be guilty of theft of the subject property, is guilty  
1017 of a misdemeanor of the first degree, punishable as provided in  
1018 s. 775.082 or s. 775.083, unless such person did not know, or  
1019 did not have reason to know, that the person seeking to recover  
1020 the property was a law enforcement officer or the operator. For  
1021 purposes of this section, the charge of theft and the charge of  
1022 resisting apprehension may be tried concurrently.

1023 Section 27. Section 509.191, Florida Statutes, is amended  
1024 to read:

1025 509.191 Unclaimed property.—Any property with an



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1026 identifiable owner which is left in a public lodging  
1027 establishment, vacation rental, or public food service  
1028 establishment, other than property belonging to a guest who has  
1029 vacated the premises without notice to the operator and with an  
1030 outstanding account, which property remains unclaimed after  
1031 being held by the establishment for 30 days after written notice  
1032 to the guest or owner of the property, shall become the property  
1033 of the establishment. Property without an identifiable owner  
1034 which is found in a public lodging establishment, vacation  
1035 rental, or public food service establishment is subject to the  
1036 provisions of chapter 705.

1037 Section 28. Section 509.2015, Florida Statutes, is amended  
1038 to read:

1039 509.2015 Telephone surcharges by public lodging  
1040 establishments and vacation rentals.—

1041 (1) A public lodging establishment or vacation rental that  
1042 ~~which~~ imposes a surcharge for any telephone call must post  
1043 notice of such surcharge in a conspicuous place located by each  
1044 telephone from which a call which is subject to a surcharge may  
1045 originate. Such notice must be plainly visible and printed on a  
1046 sign that is not less than 3 inches by 5 inches in size, and  
1047 such notice shall clearly state if the surcharge applies whether  
1048 or not the telephone call has been attempted or completed.

1049 (2) The division may, pursuant to s. 509.261 or s. 509.606,  
1050 suspend or revoke the license of, or impose a fine against, any  
1051 public lodging establishment or vacation rental that violates  
1052 subsection (1).

1053 Section 29. Subsections (1), (2), and (3) of section  
1054 509.211, Florida Statutes, are amended to read:



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1055 509.211 Safety regulations.—

1056 (1) Each bedroom or apartment in each public lodging  
1057 establishment or vacation rental must ~~shall~~ be equipped with an  
1058 approved locking device on each door opening to the outside, to  
1059 an adjoining room or apartment, or to a hallway.

1060 (2) (a) It is unlawful for any person to use within any  
1061 public lodging establishment, vacation rental, or public food  
1062 service establishment any fuel-burning wick-type equipment for  
1063 space heating unless such equipment is vented so as to prevent  
1064 the accumulation of toxic or injurious gases or liquids.

1065 (b) Any person who violates ~~the provisions of~~ paragraph (a)  
1066 commits a misdemeanor of the second degree, punishable as  
1067 provided in s. 775.082 or s. 775.083.

1068 (3) Each public lodging establishment or vacation rental  
1069 that is three or more stories in height must have safe and  
1070 secure railings on all balconies, platforms, and stairways, and  
1071 all such railings must be properly maintained and repaired. The  
1072 division may impose administrative sanctions for violations of  
1073 this subsection pursuant to s. 509.261.

1074 Section 30. Section 509.2112, Florida Statutes, is amended  
1075 to read:

1076 509.2112 Public lodging establishments and vacation rentals  
1077 three stories or more in height; inspection rules.—The Division  
1078 of Hotels and Restaurants of the Department of Business and  
1079 Professional Regulation is directed to provide rules to require  
1080 that:

1081 (1) Every public lodging establishment or vacation rental  
1082 that is three stories or more in height in the state file a  
1083 certificate stating that any and all balconies, platforms,



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1084 stairways, and railways have been inspected by a person  
1085 competent to conduct such inspections and are safe, secure, and  
1086 free of defects.

1087 (2) The information required under subsection (1) be filed  
1088 commencing January 1, 1991, and every 3 years thereafter, with  
1089 the Division of Hotels and Restaurants and the applicable county  
1090 or municipal authority responsible for building and zoning  
1091 permits.

1092 (3) If a public lodging establishment or vacation rental  
1093 that is three or more stories in height fails to file the  
1094 information required in subsection (1), the Division of Hotels  
1095 and Restaurants shall impose administrative sanctions pursuant  
1096 to s. 509.261.

1097 Section 31. Subsections (2) and (3), paragraph (a) of  
1098 subsection (4), and subsection (6) of section 509.215, Florida  
1099 Statutes, are amended to read:

1100 509.215 Firesafety.—

1101 (2) Any public lodging establishment or vacation rental, as  
1102 defined in this chapter, which is of three stories or more and  
1103 for which the construction contract was let before October 1,  
1104 1983, shall be equipped with:

1105 (a) A system which complies with subsection (1); or

1106 (b) An approved sprinkler system for all interior  
1107 corridors, public areas, storage rooms, closets, kitchen areas,  
1108 and laundry rooms, less individual guest rooms, if the following  
1109 conditions are met:

1110 1. There is a minimum 1-hour separation between each guest  
1111 room and between each guest room and a corridor.

1112 2. The building is constructed of noncombustible materials.



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1113           3. The egress conditions meet the requirements of s. 5-3 of  
1114 the Life Safety Code, NFPA 101.

1115           4. The building has a complete automatic fire detection  
1116 system which meets the requirements of NFPA-72A and NFPA-72E,  
1117 including smoke detectors in each guest room individually  
1118 annunciating to a panel at a supervised location.

1119           (3) Notwithstanding any other provision of law to the  
1120 contrary, this section applies only to those public lodging  
1121 establishments and vacation rentals in a building wherein more  
1122 than 50 percent of the units in the building are advertised or  
1123 held out to the public as available for transient occupancy.

1124           (4) (a) Special exception to the provisions of this section  
1125 shall be made for a public lodging establishment or vacation  
1126 rental structure that is individually listed in the National  
1127 Register of Historic Places pursuant to the National Historic  
1128 Preservation Act of 1966, as amended; or is a contributing  
1129 property to a National Register-listed district; or is  
1130 designated as a historic property, or as a contributing property  
1131 to a historic district under the terms of a local preservation  
1132 ordinance.

1133           (6) Specialized smoke detectors for the deaf and hearing  
1134 impaired shall be available upon request by guests in public  
1135 lodging establishments or vacation rentals at a rate of at least  
1136 one such smoke detector per 50 dwelling units or portions  
1137 thereof, not to exceed five such smoke detectors per public  
1138 lodging facility.

1139           Section 32. Paragraph (a) of subsection (1), paragraph (b)  
1140 of subsection (2), subsection (4), and subsection (9) of section  
1141 509.221, Florida Statutes, are amended to read:



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1142 509.221 Sanitary regulations.—

1143 (1) (a) Each public lodging establishment and vacation  
1144 rental shall be supplied with potable water and shall provide  
1145 adequate sanitary facilities for the accommodation of its  
1146 employees and guests. Such facilities may include, but are not  
1147 limited to, showers, handwash basins, toilets, and bidets. Such  
1148 sanitary facilities shall be connected to approved plumbing.  
1149 Such plumbing shall be sized, installed, and maintained in  
1150 accordance with the Florida Building Code as approved by the  
1151 local building authority. Wastewater or sewage shall be properly  
1152 treated onsite or discharged into an approved sewage collection  
1153 and treatment system.

1154 (2) (b) Within a theme park or entertainment complex as  
1155 defined in s. 509.013 ~~s. 509.013(9)~~, the bathrooms are not  
1156 required to be in the same building as the public food service  
1157 establishment, so long as they are reasonably accessible.

1158 (4) Each bedroom in a public lodging establishment and  
1159 vacation rental shall have an opening to the outside of the  
1160 building, air shafts, or courts sufficient to provide adequate  
1161 ventilation. Where ventilation is provided mechanically, the  
1162 system shall be capable of providing at least two air changes  
1163 per hour in all areas served. Where ventilation is provided by  
1164 windows, each room shall have at least one window opening  
1165 directly to the outside.

1166 (9) Subsections (2), (5), and (6) do not apply to any  
1167 facility or unit classified as a ~~vacation rental~~, nontransient  
1168 apartment, or timeshare project as described in s. 509.242(1)(c)  
1169 and (f) ~~s. 509.242(1)(e), (d), and (g)~~.

1170 Section 33. Subsection (2) of section 509.241, Florida



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1171 Statutes, is amended to read:

1172 509.241 Licenses required; exceptions.—

1173 (2) APPLICATION FOR LICENSE.—Each person who plans to open  
1174 a public lodging establishment or a public food service  
1175 establishment shall apply for and receive a license from the  
1176 division before ~~prior to~~ the commencement of operation. A  
1177 condominium association, as defined in s. 718.103, which does  
1178 not own any units classified as a timeshare project ~~vacation~~  
1179 ~~rentals or timeshare projects~~ under s. 509.242(1)(f) or as a  
1180 vacation rental ~~s. 509.242(1)(e) or (g)~~ is not required to apply  
1181 for or receive a public lodging establishment license.

1182 Section 34. Subsection (1) of section 509.242, Florida  
1183 Statutes, is amended to read:

1184 509.242 Public lodging establishments; classifications.—

1185 (1) A public lodging establishment is ~~shall be~~ classified  
1186 as a hotel, motel, nontransient apartment, transient apartment,  
1187 bed and breakfast inn, or timeshare project, ~~or vacation rental~~  
1188 if the establishment satisfies the following criteria:

1189 (a) *Hotel*.—A hotel is any public lodging establishment  
1190 containing sleeping room accommodations for 25 or more guests  
1191 and providing the services generally provided by a hotel and  
1192 recognized as a hotel in the community in which it is situated  
1193 or by the industry.

1194 (b) *Motel*.—A motel is any public lodging establishment  
1195 which offers rental units with an exit to the outside of each  
1196 rental unit, daily or weekly rates, offstreet parking for each  
1197 unit, a central office on the property with specified hours of  
1198 operation, a bathroom or connecting bathroom for each rental  
1199 unit, and at least six rental units, and which is recognized as



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1200 a motel in the community in which it is situated or by the  
1201 industry.

1202 ~~(c) *Vacation rental.*—A vacation rental is any unit or group~~  
1203 ~~of units in a condominium or cooperative or any individually or~~  
1204 ~~collectively owned single-family, two-family, three-family, or~~  
1205 ~~four-family house or dwelling unit that is also a transient~~  
1206 ~~public lodging establishment but that is not a timeshare~~  
1207 ~~project.~~

1208 ~~(d) *Nontransient apartment.*—A nontransient apartment is a~~  
1209 ~~building or complex of buildings in which 75 percent or more of~~  
1210 ~~the units are available for rent to nontransient tenants.~~

1211 ~~(d)(e) *Transient apartment.*—A transient apartment is a~~  
1212 ~~building or complex of buildings in which more than 25 percent~~  
1213 ~~of the units are advertised or held out to the public as~~  
1214 ~~available for transient occupancy.~~

1215 ~~(e)(f) *Bed and breakfast inn.*—A bed and breakfast inn is a~~  
1216 ~~family home structure, with no more than 15 sleeping rooms,~~  
1217 ~~which has been modified to serve as a transient public lodging~~  
1218 ~~establishment, which provides the accommodation and meal~~  
1219 ~~services generally offered by a bed and breakfast inn, and which~~  
1220 ~~is recognized as a bed and breakfast inn in the community in~~  
1221 ~~which it is situated or by the hospitality industry.~~

1222 ~~(f)(g) *Timeshare project.*—A timeshare project is a~~  
1223 ~~timeshare property, as defined in chapter 721, that is located~~  
1224 ~~in this state and that is also a transient public lodging~~  
1225 ~~establishment.~~

1226 Section 35. Subsection (1) of section 509.251, Florida  
1227 Statutes, is amended to read:

1228 509.251 License fees.—



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1229           (1) The division shall adopt, by rule, a schedule of fees  
1230 to be paid by each public lodging establishment as a  
1231 prerequisite to issuance or renewal of a license. Such fees  
1232 shall be based on the number of rental units in the  
1233 establishment. The aggregate fee per establishment charged any  
1234 public lodging establishment may not exceed \$1,000; however, the  
1235 fees described in paragraphs (a) and (b) may not be included as  
1236 part of the aggregate fee subject to this cap. ~~Vacation rental~~  
1237 ~~units or~~ Timeshare projects within separate buildings or at  
1238 separate locations but managed by one licensed agent may be  
1239 combined in a single license application, and the division shall  
1240 charge a license fee as if all units in the application are in a  
1241 single licensed establishment. The fee schedule shall require an  
1242 establishment which applies for an initial license to pay the  
1243 full license fee if application is made during the annual  
1244 renewal period or more than 6 months before the next such  
1245 renewal period and one-half of the fee if application is made 6  
1246 months or less before such period. The fee schedule shall  
1247 include fees collected for the purpose of funding the  
1248 Hospitality Education Program, pursuant to s. 509.302, which are  
1249 payable in full for each application regardless of when the  
1250 application is submitted.

1251           (a) Upon making initial application or an application for  
1252 change of ownership, the applicant shall pay to the division a  
1253 fee as prescribed by rule, not to exceed \$50, in addition to any  
1254 other fees required by law, which shall cover all costs  
1255 associated with initiating regulation of the establishment.

1256           (b) A license renewal filed with the division after the  
1257 expiration date shall be accompanied by a delinquent fee as



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1258 prescribed by rule, not to exceed \$50, in addition to the  
1259 renewal fee and any other fees required by law.

1260 Section 36. Subsection (1) of section 509.281, Florida  
1261 Statutes, is amended to read:

1262 509.281 Prosecution for violation; duty of state attorney;  
1263 penalties.—

1264 (1) The division or an agent of the division, upon  
1265 ascertaining by inspection that any public lodging  
1266 establishment, vacation rental, or public food service  
1267 establishment is being operated contrary to the provisions of  
1268 this chapter, shall make complaint and cause the arrest of the  
1269 violator, and the state attorney, upon request of the division  
1270 or agent, shall prepare all necessary papers and conduct the  
1271 prosecution. The division shall proceed in the courts by  
1272 mandamus or injunction whenever such proceedings may be  
1273 necessary to the proper enforcement of the provisions of this  
1274 chapter, of the rules adopted pursuant hereto, or of orders of  
1275 the division.

1276 Section 37. Paragraph (a) of subsection (2) of section  
1277 509.302, Florida Statutes, is amended to read:

1278 509.302 Hospitality Education Program.—

1279 (2)(a) All public lodging establishments, ~~and all~~ public  
1280 food service establishments, and vacation rentals licensed under  
1281 this chapter shall pay an annual fee of no more than \$10, which  
1282 shall be included in the annual license fee and used for the  
1283 sole purpose of funding the Hospitality Education Program.

1284 Section 38. Section 509.4005, Florida Statutes, is amended  
1285 to read:

1286 509.4005 Applicability of ss. 509.401-509.417.—Sections



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1287 509.401-509.417 apply only to guests in transient occupancy in a  
1288 public lodging establishment or vacation rental.

1289 Section 39. Subsection (1) of section 509.401, Florida  
1290 Statutes, is amended to read:

1291 509.401 Operator's right to lockout.—

1292 (1) If, upon a reasonable determination by an operator of a  
1293 public lodging establishment or vacation rental, a guest has  
1294 accumulated a large outstanding account at such establishment,  
1295 the operator may lock the guest out of the guest's rental unit  
1296 for the purpose of requiring the guest to confront the operator  
1297 and arrange for payment on the account. Such arrangement must be  
1298 in writing, and a copy must be furnished to the guest.

1299 Section 40. Section 509.402, Florida Statutes, is amended  
1300 to read:

1301 509.402 Operator's right to recover premises.—If the guest  
1302 of a public lodging establishment or vacation rental vacates the  
1303 premises without notice to the operator and the operator  
1304 reasonably believes the guest does not intend to satisfy the  
1305 outstanding account, the operator may recover the premises. Upon  
1306 recovery of the premises, the operator shall make an itemized  
1307 inventory of any property belonging to the guest and store such  
1308 property until a settlement or a final court judgment is  
1309 obtained on the guest's outstanding account. Such inventory  
1310 shall be conducted by the operator and at least one other person  
1311 who is not an agent of the operator.

1312 Section 41. Subsections (1) and (2) of section 509.405,  
1313 Florida Statutes, are amended to read:

1314 509.405 Complaint; requirements.—To obtain an order  
1315 authorizing the issuance of a writ of distress upon final



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1316 judgment, the operator must first file with the clerk of the  
1317 court a complaint reciting and showing the following  
1318 information:

1319 (1) A statement as to the amount of the guest's account at  
1320 the public lodging establishment or vacation rental.

1321 (2) A statement that the plaintiff is the operator of the  
1322 public lodging establishment or vacation rental in which the  
1323 guest has an outstanding account. If the operator's interest in  
1324 such account is based on written documents, a copy of such  
1325 documents shall be attached to the complaint.

1326 Section 42. Section 509.409, Florida Statutes, is amended  
1327 to read:

1328 509.409 Writ; inventory.—When the officer seizes  
1329 distrainable property, either under s. 509.407 or s. 509.408,  
1330 and such property is seized on the premises of a public lodging  
1331 establishment or vacation rental, the officer shall inventory  
1332 the property, hold those items which, upon appraisal, would  
1333 appear to satisfy the plaintiff's claim, and return the  
1334 remaining items to the defendant. If the defendant cannot be  
1335 found, the officer shall hold all items of property. The officer  
1336 shall release the property only pursuant to law or a court  
1337 order.

1338 Section 43. Subsection (2) of section 509.417, Florida  
1339 Statutes, is amended to read:

1340 509.417 Writ; sale of property distrained.—

1341 (2) At the time any property levied on is sold, it must be  
1342 advertised two times, the first advertisement being at least 10  
1343 days before the sale. All property so levied on may be sold on  
1344 the premises of the public lodging establishment or the vacation



1345 rental or at the courthouse door.

1346

1347 ===== T I T L E A M E N D M E N T =====

1348 And the title is amended as follows:

1349 Delete lines 12 - 86

1350 and insert:

1351 s. 509.604, F.S.; preempting licensing of vacation  
1352 rentals to the state; requiring vacation rentals to  
1353 obtain a license; specifying that individuals cannot  
1354 transfer licenses; specifying a penalty for operating  
1355 without a license; requiring local law enforcement to  
1356 assist with enforcement; specifying that the division  
1357 may refuse to issue or renew a license under certain  
1358 circumstances; specifying that licenses must be  
1359 renewed annually and that the division must adopt  
1360 rules for staggered renewals; specifying the manner in  
1361 which administrative proceedings proceed upon the  
1362 expiration of a license; specifying that persons  
1363 intending to use a property as a vacation rental apply  
1364 for and receive a license before use; requiring  
1365 applications for a license to include the operator's  
1366 emergency contact phone number; requiring the division  
1367 to issue a temporary license upon receipt of an  
1368 application; requiring such licenses to be displayed  
1369 in a vacation rental; creating s. 509.605, F.S.;  
1370 requiring the division to adopt rules regarding  
1371 certain license and delinquent fees; specifying the  
1372 maximum number of units under one license; specifying  
1373 requirements regarding such fees; creating s. 509.606,



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1374 F.S.; providing penalties for violations; specifying  
1375 the circumstances that constitute a separate offense  
1376 of a critical law or rule; specifying circumstances  
1377 under which a closed-for-operation sign must be  
1378 posted; specifying where administrative fines must be  
1379 paid and credited to; specifying the maximum amount of  
1380 time a vacation rental license may be suspended;  
1381 specifying certain circumstances where the division  
1382 may fine, suspend, or revoke the license of a vacation  
1383 rental; specifying that persons are not entitled to a  
1384 license when administrative proceedings have been or  
1385 will be brought against a licensee; providing  
1386 enforcement for noncompliance with final orders or  
1387 other administrative actions; authorizing the division  
1388 to refuse the issuance or renewal of a license until  
1389 all fines have been paid; creating s. 509.607, F.S.;  
1390 specifying that vacation rentals are to be treated as  
1391 transient rentals regarding certain landlord and  
1392 tenant provisions; exempting persons renting or  
1393 advertising for rent from certain real estate  
1394 regulations; creating s. 509.608, F.S.; preempting  
1395 inspection of vacation rentals to the state;  
1396 specifying that the division is solely responsible for  
1397 inspections and quality assurance; specifying that the  
1398 division has a right of entry and access for  
1399 performing inspections; prohibiting the division from  
1400 establishing certain rules; specifying that vacation  
1401 rentals must be made available for inspection upon  
1402 request; specifying procedures for vulnerable adults



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1403 appearing to be victims of neglect and, in the case of  
1404 buildings without automatic sprinkler systems, persons  
1405 who may not be able to self-preserve in an emergency;  
1406 requiring the division to inspect vacation rentals  
1407 when necessary to respond to emergencies and  
1408 epidemiological conditions; amending s. 509.609, F.S.;  
1409 specifying additional requirements when a specified  
1410 number of certain vacation rental units that are under  
1411 common ownership are rented out for a specified number  
1412 of nights per year; specifying inspection requirements  
1413 for such vacation rentals; specifying penalties;  
1414 requiring the division to audit a specified number  
1415 such vacation rentals per year; amending s. 509.013,  
1416 F.S.; revising and defining terms; amending s.  
1417 509.032, F.S.; specifying provisions for inspection of  
1418 vacation rentals; revising the requirements of a  
1419 report relating to inspection of public lodging and  
1420 public food service establishments; specifying that  
1421 local governments may regulate activities that arise  
1422 when a property is used as a vacation rental subject  
1423 to certain conditions; requiring the division to make  
1424 vacation rental license information available to the  
1425 public and local governments; deleting a preemption of  
1426 local laws, ordinances, and regulations relating to  
1427 vacation rentals; amending ss. 159.27, 212.08,  
1428 316.1955, 404.056, and 477.0135, F.S.; conforming  
1429 cross-references; amending ss. 509.072, 509.091,  
1430 509.092, 509.095, 509.101, 509.111, 509.141, 509.142,  
1431 509.144, 509.162, 509.191, 509.2015, 509.211,



677376

1432 509.2112, and 509.215, F.S.; conforming provisions to  
1433 changes made by the act; amending s. 509.221, F.S.;  
1434 conforming provisions to changes made by the act;  
1435 revising a provision that excludes vacation rentals  
1436 from certain sanitary regulations for public lodging;  
1437 amending s. 509.241, F.S.; conforming



531354

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/30/2018	.	
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The Committee on Community Affairs (Rodriguez) recommended the following:

1       **Senate Amendment to Amendment (677376) (with title**  
2 **amendment)**

3  
4       Between lines 109 and 110  
5 insert:

6       Section 6. Section 509.6051, Florida Statutes, is created  
7 to read:

8       509.6051 Occupancy limits.—Vacation rentals have a maximum  
9 occupancy limit of the lesser of the following:

10       (1) Four persons plus two additional persons for each



531354

11 sleeping room.  
12 (2) One person for each 150 square feet of finished area.  
13

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

15 And the title is amended as follows:

16 Delete line 1373

17 and insert:

18 requirements regarding such fees; creating s.  
19 509.6051, F.S.; specifying maximum occupancy for  
20 vacation rentals; creating s. 509.606,



874854

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/30/2018	.	
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The Committee on Community Affairs (Lee) recommended the following:

1           **Senate Amendment to Amendment (677376) (with title**  
2 **amendment)**

3  
4           Delete lines 596 - 600

5 and insert:

6 license information for informational purposes only.

7           (c) A local law, ordinance, or regulation may not prohibit  
8 vacation rentals or regulate the duration or frequency of rental  
9 of vacation rentals. This paragraph does not apply to any local  
10 law, ordinance, or regulation adopted on or before June 1, 2011.



874854

11            (d)~~(e)~~ Paragraph (c) ~~(b)~~ does not apply to any local law,  
12 ordinance, or regulation exclusively relating to property  
13 valuation as a criterion for vacation rental if the local law,  
14 ordinance, or regulation is required to be approved by the state  
15 land planning agency pursuant to an area of critical state  
16 concern designation.

17  
18 ===== T I T L E   A M E N D M E N T =====

19 And the title is amended as follows:

20            Delete lines 1425 - 1427

21 and insert:

22            public and local governments; amending ss. 159.27,  
23            212.08,



539520

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/30/2018	.	
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The Committee on Community Affairs (Rodriguez) recommended the following:

**Senate Amendment to Amendment (677376)**

Delete line 251

and insert:

(4) Each year, the division must audit at least 1 percent of



767560

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/30/2018	.	
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The Committee on Community Affairs (Simmons) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 109 - 1146

and insert:

509.603 Legislative purpose; preemption of subject matter; duties.-

(1) This part is created for the purpose of regulating the factors unique to vacation rentals. The applicable provisions of part I of this chapter are hereby deemed incorporated into this part.



767560

11           (2) All regulation of vacation rentals is preempted to the  
12 state unless otherwise provided for in this chapter.

13           (3) The division has the authority to carry out this  
14 chapter.

15           (4) The division shall adopt rules pursuant to ss.  
16 120.536(1) and 120.54 to implement this part.

17           (5) If any provision of this part is held invalid, it is  
18 the legislative intent that the preemption by this section be no  
19 longer applicable to the provision of the part held invalid.

20           Section 4. Section 509.604, Florida Statutes, is created to  
21 read:

22           509.604 Licenses required; exceptions.—

23           (1) LICENSES; ANNUAL RENEWALS.—Each vacation rental shall  
24 obtain a license from the division. Such license may not be  
25 transferred from one place or individual to another. It shall be  
26 a misdemeanor of the second degree, punishable as provided in s.  
27 775.082 or s. 775.083, for such a rental to operate without a  
28 license. Local law enforcement shall provide immediate  
29 assistance in pursuing an illegally operating vacation rental.  
30 The division may refuse to issue a license, or a renewal  
31 thereof, to any vacation rental of an operator of which, within  
32 the preceding 5 years, has been adjudicated guilty of, or has  
33 forfeited a bond when charged with, any crime reflecting on  
34 professional character, including soliciting for prostitution,  
35 pandering, letting premises for prostitution, keeping a  
36 disorderly place, or illegally dealing in controlled substances  
37 as defined in chapter 893, whether in this state or in any other  
38 jurisdiction within the United States, or has had a license  
39 denied, revoked, or suspended pursuant to s. 429.14. Licenses



767560

40 must be renewed annually, and the division shall adopt a rule  
41 establishing a staggered schedule for license renewals. If any  
42 license expires while administrative charges are pending against  
43 the license, the proceedings against the license shall continue  
44 to conclusion as if the license were still in effect.

45 (2) APPLICATION FOR LICENSE.—Each person intending to use  
46 his or her property as a vacation rental must apply for and  
47 receive a license from the division before the commencement of  
48 such use.

49 (3) DISPLAY OF LICENSE.—Any license issued by the division  
50 must be conspicuously displayed in the vacation rental, and the  
51 vacation rental's license number must be displayed in all rental  
52 listings or advertisements.

53 Section 5. Section 509.605, Florida Statutes, is created to  
54 read:

55 509.605 License fees.—

56 (1) The division shall adopt by rule a fee to be paid by  
57 the operator of each vacation rental as a prerequisite to  
58 issuance or renewal of a license. Vacation rental units within  
59 separate buildings or at separate locations but managed by one  
60 operator may be combined in a single license application, and  
61 the division shall charge a license fee as if all units in the  
62 application are a single vacation rental; however, such fee may  
63 not exceed \$1,000. The division may only issue a license for a  
64 maximum of 75 units under one license. The rule must require a  
65 vacation rental that applies for an initial license to pay the  
66 full license fee if application is made during the annual  
67 renewal period or more than 6 months before the next such  
68 renewal period and one-half of the fee if application is made 6



767560

69 months or less before such period. The rule must also require  
70 that fees be collected for the purpose of funding the  
71 Hospitality Education Program, pursuant to s. 509.302. Such fees  
72 must be payable in full for each application regardless of when  
73 the application is submitted.

74 (2) Upon making initial application or an application for  
75 change of ownership of a vacation rental, the applicant must pay  
76 to the division a fee as prescribed by rule, not to exceed \$50,  
77 in addition to any other fees required by law, which must cover  
78 all costs associated with initiating regulation of the vacation  
79 rental.

80 (3) A license renewal filed with the division after the  
81 expiration date must be accompanied by a delinquent fee as  
82 prescribed by rule, not to exceed \$50, in addition to the  
83 renewal fee and any other fees required by law.

84 Section 6. Section 509.606, Florida Statutes, is created to  
85 read:

86 509.606 Revocation or suspension of licenses; fines;  
87 procedure.—

88 (1) Any vacation rental operating in violation of this part  
89 or the rules of the division, operating without a license, or  
90 operating with a suspended or revoked license may be subject by  
91 the division to:

92 (a) Fines not to exceed \$1,000 per offense; and

93 (b) The suspension, revocation, or refusal of a license  
94 issued pursuant to this chapter.

95 (2) For the purposes of this section, the division may  
96 regard as a separate offense each day or portion of a day on  
97 which a vacation rental is operated in violation of a "critical



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98 law or rule," as that term is defined by rule.

99 (3) If the license of a vacation rental is suspended or  
100 revoked, the division must post a prominent closed-for-operation  
101 sign on the vacation rental. The division shall also post such  
102 sign on any vacation rental judicially or administratively  
103 determined to be operating without a license. It is a  
104 misdemeanor of the second degree, punishable as provided in s.  
105 775.082 or s. 775.083, for any person to deface or remove such  
106 closed-for-operation sign or for any vacation rental to open for  
107 operation without a license or to open for operation while its  
108 license is suspended or revoked. The division may impose  
109 administrative sanctions for violations of this section.

110 (4) All funds received by the division as satisfaction for  
111 administrative fines must be paid into the State Treasury to the  
112 credit of the Hotel and Restaurant Trust Fund and may not  
113 subsequently be used for payment to any entity performing  
114 required inspections under contract with the division.  
115 Administrative fines may be used to support division programs  
116 pursuant to s. 509.302(1).

117 (5) (a) A license may not be suspended under this section  
118 for a period of more than 12 months. At the end of such period  
119 of suspension, the vacation rental may apply for reinstatement  
120 or renewal of the license. A vacation rental, the license of  
121 which is revoked, may not apply for another license for that  
122 location before the date on which the revoked license would have  
123 expired.

124 (b) The division may fine, suspend, or revoke the license  
125 of any vacation rental if an operator knowingly lets, leases, or  
126 gives space for unlawful gambling purposes or permits unlawful



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127 gambling in such establishment or in or upon any premises which  
128 are used in connection with, and are under the same charge,  
129 control, or management as, such establishment.

130 (6) The division may fine, suspend, or revoke the license  
131 of any vacation rental when:

132 (a) Any person with a direct financial interest in the  
133 licensed vacation rental, within the preceding 5 years in this  
134 state, any other state, or the United States, has been  
135 adjudicated guilty of or forfeited a bond when charged with  
136 soliciting for prostitution, pandering, letting premises for  
137 prostitution, keeping a disorderly place, illegally dealing in  
138 controlled substances as defined in chapter 893, or any other  
139 crime reflecting on professional character.

140 (b) The division has deemed such vacation rental to be an  
141 imminent danger to the public health and safety for failure to  
142 meet sanitation standards, or the division has determined the  
143 vacation rental to be unsafe or unfit for human occupancy.

144 (c) The vacation rental is the subject of a final order or  
145 judgment directing the vacation rental to cease operations due  
146 to violation of a local ordinance.

147 (d) The vacation rental has been involved in multiple  
148 violations of local ordinances in any 12-month period, thereby  
149 demonstrating a repeated threat to the public health or safety  
150 or to the maintenance of public order.

151 (7) A person is not entitled to the issuance of a license  
152 for any vacation rental except in the discretion of the director  
153 when the division has notified the current licensee for such  
154 premises that administrative proceedings have been or will be  
155 brought against such current licensee for violation of any



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156 provision of this chapter or rule of the division.

157 (8) The division may fine, suspend, or revoke the license  
158 of any vacation rental when the rental is not in compliance with  
159 the requirements of a final order or other administrative action  
160 issued against the licensee by the division.

161 (9) The division may refuse to issue or renew the license  
162 of any vacation rental until all outstanding fines are paid in  
163 full to the division as required by all final orders or other  
164 administrative action issued against the licensee by the  
165 division.

166 Section 7. Section 509.607, Florida Statutes, is created to  
167 read:

168 509.607 Taxes; exemptions.—Vacation rentals are subject to  
169 chapter 212 in the same manner as transient rentals. Vacation  
170 rentals are exempt from chapter 83 in the same manner as  
171 transient rentals. Any person, partnership, corporation, or  
172 other legal entity which, for another and for compensation or  
173 other valuable consideration, rents or advertises for rent a  
174 vacation rental licensed under chapter 509 is exempt from  
175 chapter 475.

176 Section 8. Section 509.608, Florida Statutes, is created to  
177 read:

178 509.608 Inspection of premises.—

179 (1) Except as otherwise provided in this chapter,  
180 inspection of vacation rentals is preempted to the state and the  
181 division has jurisdiction and is solely responsible for all  
182 inspections. The division is solely responsible for quality  
183 assurance.

184 (2) For purposes of performing inspections and the



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185 enforcement of this chapter, the division has the right of entry  
186 and access to a vacation rental at any reasonable time.

187 (3) The division may not establish by rule any regulation  
188 governing the design, construction, erection, alteration,  
189 modification, repair, or demolition of any vacation rental.

190 (4) Vacation rentals must be made available to the division  
191 for inspection upon request. If, during the inspection of a  
192 vacation rental, an inspector identifies vulnerable adults who  
193 appear to be victims of neglect, as defined in s. 415.102, or,  
194 in the case of a building that is not equipped with automatic  
195 sprinkler systems, tenants or clients who may be unable to self-  
196 preserve in an emergency, the division shall convene meetings  
197 with the following agencies as appropriate to the individual  
198 situation: the Department of Health, the Department of Elderly  
199 Affairs, the area agency on aging, the local fire marshal, the  
200 landlord and affected tenants and clients, and other relevant  
201 organizations, to develop a plan that improves the prospects for  
202 safety of affected residents and, if necessary, identifies  
203 alternative living arrangements, such as facilities licensed  
204 under part II of chapter 400 or under chapter 429.

205 (5) The division shall inspect vacation rentals whenever  
206 necessary to respond to an emergency or epidemiological  
207 condition.

208 (6) The division shall inspect each commercial vacation  
209 rental at least biannually.

210 Section 9. Section 509.013, Florida Statutes, is reordered  
211 and amended to read:

212 509.013 Definitions.—As used in this chapter, the term:

213 (1) "Commercial vacation rental" means a vacation rental,



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214 as defined in subsection (18), which is one of three or more  
215 vacation rentals under common ownership, either directly or  
216 indirectly.

217 (3)~~(1)~~ "Division" means the Division of Hotels and  
218 Restaurants of the Department of Business and Professional  
219 Regulation.

220 (8)~~(2)~~ "Operator" means the owner, licensee, proprietor,  
221 lessee, manager, assistant manager, or appointed agent of a  
222 public lodging establishment, vacation rental, or public food  
223 service establishment.

224 (4)~~(3)~~ "Guest" means any patron, customer, tenant, lodger,  
225 boarder, or occupant of a public lodging establishment, vacation  
226 rental, or public food service establishment.

227 (10)~~(4)~~(a) "Public lodging establishment" includes a  
228 transient public lodging establishment as defined in  
229 subparagraph 1. and a nontransient public lodging establishment  
230 as defined in subparagraph 2.

231 1. "Transient public lodging establishment" means any unit,  
232 group of units, dwelling, building, or group of buildings within  
233 a single complex of buildings which is rented to guests more  
234 than three times in a calendar year for periods of less than 30  
235 days or 1 calendar month, whichever is less, or which is  
236 advertised or held out to the public as a place regularly rented  
237 to guests.

238 2. "Nontransient public lodging establishment" means any  
239 unit, group of units, dwelling, building, or group of buildings  
240 within a single complex of buildings which is rented to guests  
241 for periods of at least 30 days or 1 calendar month, whichever  
242 is less, or which is advertised or held out to the public as a



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243 place regularly rented to guests for periods of at least 30 days  
244 or 1 calendar month.

245

246 License classifications of public lodging establishments, and  
247 the definitions therefor, are set out in s. 509.242. For the  
248 purpose of licensure, the term does not include condominium  
249 common elements as defined in s. 718.103.

250 (b) The following are excluded from the definitions in  
251 paragraph (a):

252 1. Any dormitory or other living or sleeping facility  
253 maintained by a public or private school, college, or university  
254 for the use of students, faculty, or visitors.

255 2. Any facility certified or licensed and regulated by the  
256 Agency for Health Care Administration or the Department of  
257 Children and Families or other similar place regulated under s.  
258 381.0072.

259 3. Any place renting four rental units or less, unless the  
260 rental units are advertised or held out to the public to be  
261 places that are regularly rented to transients.

262 4. Any unit or group of units in a condominium,  
263 cooperative, or timeshare plan and any individually or  
264 collectively owned one-family, two-family, three-family, or  
265 four-family dwelling house or dwelling unit that is rented for  
266 periods of at least 30 days or 1 calendar month, whichever is  
267 less, and that is not advertised or held out to the public as a  
268 place regularly rented for periods of less than 1 calendar  
269 month, provided that no more than four rental units within a  
270 single complex of buildings are available for rent.

271 5. Any migrant labor camp or residential migrant housing



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272 permitted by the Department of Health under ss. 381.008-  
273 381.00895.

274 6. Any establishment inspected by the Department of Health  
275 and regulated by chapter 513.

276 7. Any nonprofit organization that operates a facility  
277 providing housing only to patients, patients' families, and  
278 patients' caregivers and not to the general public.

279 8. Any apartment building inspected by the United States  
280 Department of Housing and Urban Development or other entity  
281 acting on the department's behalf that is designated primarily  
282 as housing for persons at least 62 years of age. The division  
283 may require the operator of the apartment building to attest in  
284 writing that such building meets the criteria provided in this  
285 subparagraph. The division may adopt rules to implement this  
286 requirement.

287 9. Any roominghouse, boardinghouse, or other living or  
288 sleeping facility that may not be classified as a hotel, motel,  
289 timeshare project, ~~vacation rental~~, nontransient apartment, bed  
290 and breakfast inn, or transient apartment under s. 509.242.

291 10. Any vacation rental.

292 (9)(5)(a) "Public food service establishment" means any  
293 building, vehicle, place, or structure, or any room or division  
294 in a building, vehicle, place, or structure where food is  
295 prepared, served, or sold for immediate consumption on or in the  
296 vicinity of the premises; called for or taken out by customers;  
297 or prepared before ~~prior to~~ being delivered to another location  
298 for consumption. The term includes a culinary education program,  
299 as defined in s. 381.0072(2), which offers, prepares, serves, or  
300 sells food to the general public, regardless of whether it is



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301 inspected by another state agency for compliance with sanitation  
302 standards.

303 (b) The following are excluded from the definition in  
304 paragraph (a):

305 1. Any place maintained and operated by a public or private  
306 school, college, or university:

307 a. For the use of students and faculty; or

308 b. Temporarily to serve such events as fairs, carnivals,  
309 food contests, cook-offs, and athletic contests.

310 2. Any eating place maintained and operated by a church or  
311 a religious, nonprofit fraternal, or nonprofit civic  
312 organization:

313 a. For the use of members and associates; or

314 b. Temporarily to serve such events as fairs, carnivals,  
315 food contests, cook-offs, or athletic contests.

316

317 Upon request by the division, a church or a religious, nonprofit  
318 fraternal, or nonprofit civic organization claiming an exclusion  
319 under this subparagraph must provide the division documentation  
320 of its status as a church or a religious, nonprofit fraternal,  
321 or nonprofit civic organization.

322 3. Any eating place maintained and operated by an  
323 individual or entity at a food contest, cook-off, or a temporary  
324 event lasting from 1 to 3 days which is hosted by a church or a  
325 religious, nonprofit fraternal, or nonprofit civic organization.

326 Upon request by the division, the event host must provide the  
327 division documentation of its status as a church or a religious,  
328 nonprofit fraternal, or nonprofit civic organization.

329 4. Any eating place located on an airplane, train, bus, or



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330 watercraft which is a common carrier.

331         5. Any eating place maintained by a facility certified or  
332 licensed and regulated by the Agency for Health Care  
333 Administration or the Department of Children and Families or  
334 other similar place that is regulated under s. 381.0072.

335         6. Any place of business issued a permit or inspected by  
336 the Department of Agriculture and Consumer Services under s.  
337 500.12.

338         7. Any place of business where the food available for  
339 consumption is limited to ice, beverages with or without  
340 garnishment, popcorn, or prepackaged items sold without  
341 additions or preparation.

342         8. Any theater, if the primary use is as a theater and if  
343 patron service is limited to food items customarily served to  
344 the admittees of theaters.

345         9. Any vending machine that dispenses any food or beverages  
346 other than potentially hazardous foods, as defined by division  
347 rule.

348         10. Any vending machine that dispenses potentially  
349 hazardous food and which is located in a facility regulated  
350 under s. 381.0072.

351         11. Any research and development test kitchen limited to  
352 the use of employees and which is not open to the general  
353 public.

354         (2)~~(6)~~ "Director" means the Director of the Division of  
355 Hotels and Restaurants of the Department of Business and  
356 Professional Regulation.

357         (11)~~(7)~~ "Single complex of buildings" means all buildings  
358 or structures that are owned, managed, controlled, or operated



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359 under one business name and are situated on the same tract or  
360 plot of land that is not separated by a public street or  
361 highway.

362 (12)~~(8)~~ "Temporary food service event" means any event of  
363 30 days or less in duration where food is prepared, served, or  
364 sold to the general public.

365 (13)~~(9)~~ "Theme park or entertainment complex" means a  
366 complex consisting ~~comprised~~ of at least 25 contiguous acres  
367 owned and controlled by the same business entity and which  
368 contains permanent exhibitions and a variety of recreational  
369 activities and has a minimum of 1 million visitors annually.

370 (14)~~(10)~~ "Third-party provider" means, for purposes of s.  
371 509.049, any provider of an approved food safety training  
372 program that provides training or such a training program to a  
373 public food service establishment that is not under common  
374 ownership or control with the provider.

375 (16)~~(11)~~ "Transient establishment" means any public lodging  
376 establishment that is rented or leased to guests by an operator  
377 whose intention is that such guests' occupancy will be  
378 temporary.

379 (17)~~(12)~~ "Transient occupancy" means occupancy when it is  
380 the intention of the parties that the occupancy will be  
381 temporary. There is a rebuttable presumption that, when the  
382 dwelling unit occupied is not the sole residence of the guest,  
383 the occupancy is transient.

384 (15)~~(13)~~ "Transient" means a guest in transient occupancy.

385 (6)~~(14)~~ "Nontransient establishment" means any public  
386 lodging establishment that is rented or leased to guests by an  
387 operator whose intention is that the dwelling unit occupied will



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388 be the sole residence of the guest.

389 ~~(7)-(15)~~ "Nontransient occupancy" means any occupancy in  
390 which when it is the intention of the parties that such the  
391 occupancy will not be temporary. There is a rebuttable  
392 presumption that, when the dwelling unit occupied is the sole  
393 residence of the guest, the occupancy is nontransient.

394 ~~(5)-(16)~~ "Nontransient" means a guest in nontransient  
395 occupancy.

396 (18) "Vacation rental" means the whole or any part of a  
397 unit in a condominium or cooperative or any individually or  
398 collectively owned single-family, two-family, three-family, or  
399 four-family house or dwelling unit that is rented to guests for  
400 periods of less than 6 months.

401 Section 10. Paragraph (a) of subsection (2), paragraph (c)  
402 of subsection (3), and subsection (7) of section 509.032,  
403 Florida Statutes, are amended to read:

404 509.032 Duties.—

405 (2) INSPECTION OF PREMISES.—

406 (a) The division has jurisdiction and is responsible for  
407 all inspections required by this chapter. The inspection of  
408 vacation rentals shall be done in accordance with part III of  
409 this chapter. The division is responsible for quality assurance.

410 The division shall inspect each licensed public lodging  
411 establishment at least biannually, except for transient and  
412 nontransient apartments, which shall be inspected at least  
413 annually. Each establishment licensed by the division shall be  
414 inspected at such other times as the division determines is  
415 necessary to ensure the public's health, safety, and welfare.  
416 The division shall adopt by rule a risk-based inspection



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417 frequency for each licensed public food service establishment.  
418 The rule must require at least one, but not more than four,  
419 routine inspections that must be performed annually, and may  
420 include guidelines that consider the inspection and compliance  
421 history of a public food service establishment, the type of food  
422 and food preparation, and the type of service. The division  
423 shall reassess the inspection frequency of all licensed public  
424 food service establishments at least annually. Public lodging  
425 units classified as ~~vacation rentals or~~ timeshare projects are  
426 not subject to this requirement but shall be made available to  
427 the division upon request. If, during the inspection of a public  
428 lodging establishment classified for renting to transient or  
429 nontransient tenants, an inspector identifies vulnerable adults  
430 who appear to be victims of neglect, as defined in s. 415.102,  
431 or, in the case of a building that is not equipped with  
432 automatic sprinkler systems, tenants or clients who may be  
433 unable to self-preserve in an emergency, the division shall  
434 convene meetings with the following agencies as appropriate to  
435 the individual situation: the Department of Health, the  
436 Department of Elderly Affairs, the area agency on aging, the  
437 local fire marshal, the landlord and affected tenants and  
438 clients, and other relevant organizations, to develop a plan  
439 that improves the prospects for safety of affected residents  
440 and, if necessary, identifies alternative living arrangements  
441 such as facilities licensed under part II of chapter 400 or  
442 under chapter 429.

443 (3) SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD SERVICE  
444 EVENTS.—The division shall:

445 (c) Administer a public notification process for temporary



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446 food service events and distribute educational materials that  
447 address safe food storage, preparation, and service procedures.

448 1. Sponsors of temporary food service events shall notify  
449 the division not less than 3 days before the scheduled event of  
450 the type of food service proposed, the time and location of the  
451 event, a complete list of food service vendors participating in  
452 the event, the number of individual food service facilities each  
453 vendor will operate at the event, and the identification number  
454 of each food service vendor's current license as a public food  
455 service establishment or temporary food service event licensee.  
456 Notification may be completed orally, by telephone, in person,  
457 or in writing. A public food service establishment or food  
458 service vendor may not use this notification process to  
459 circumvent the license requirements of this chapter.

460 2. The division shall keep a record of all notifications  
461 received for proposed temporary food service events and shall  
462 provide appropriate educational materials to the event sponsors  
463 and notify the event sponsors of the availability of the food-  
464 recovery brochure developed under s. 595.420.

465 3.a. Unless excluded under s. 509.013(9)(b) ~~s.~~  
466 ~~509.013(5)(b)~~, a public food service establishment or other food  
467 service vendor must obtain one of the following classes of  
468 license from the division: an individual license, for a fee of  
469 no more than \$105, for each temporary food service event in  
470 which it participates; or an annual license, for a fee of no  
471 more than \$1,000, that entitles the licensee to participate in  
472 an unlimited number of food service events during the license  
473 period. The division shall establish license fees, by rule, and  
474 may limit the number of food service facilities a licensee may



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475 operate at a particular temporary food service event under a  
476 single license.

477 b. Public food service establishments holding current  
478 licenses from the division may operate under the regulations of  
479 such a license at temporary food service events.

480 (7) ALLOCATION OF STATE AND LOCAL REGULATION ~~PREEMPTION~~  
481 ~~AUTHORITY.~~—

482 (a) The regulation of public lodging establishments and  
483 public food service establishments, including, but not limited  
484 to, sanitation standards, inspections, training and testing of  
485 personnel, and matters related to the nutritional content and  
486 marketing of foods offered in such establishments, is preempted  
487 to the state. This paragraph does not preempt the authority of a  
488 local government or local enforcement district to conduct  
489 inspections of vacation rentals, public lodging establishments,  
490 and public food service establishments for compliance with the  
491 Florida Building Code and the Florida Fire Prevention Code,  
492 pursuant to ss. 553.80 and 633.206.

493 (b) A local government may require the owner or agent of a  
494 vacation rental and the owner of an owner-occupied rental to  
495 obtain a local government certificate. The application for such  
496 a certificate may only require the owner or agent, as  
497 appropriate, to submit a copy of the vacation rental license  
498 required under this chapter, a copy of the certificate of  
499 registration required under s. 212.18, a valid business tax  
500 receipt from the local government, the number of bedrooms and  
501 maximum number of occupants, and the owner's or manager's local  
502 emergency contact information, including telephone numbers and  
503 e-mail address. The local government may inspect the vacation



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504 rental for compliance with building codes and life safety codes  
505 and assess a reasonable fee for the submission of the required  
506 information, and may assess fines for failure to comply.  
507 Enforcement of vacation rental regulations by a local government  
508 must be in accordance with ch. 162.

509 (c) A local government may regulate vacation rental  
510 activities in detached single-family residences in which the  
511 owner does not personally regularly occupy at least a portion of  
512 the residence where vacation rental activities are occurring.

513 (d) A local law, ordinance, or regulation may not prohibit  
514 vacation rentals or regulate the duration or frequency of rental  
515 of vacation rentals. This paragraph does not apply to any local  
516 law, ordinance, or regulation adopted on or before June 1, 2011,  
517 including when such law, ordinance, or regulation is being  
518 amended to be less restrictive with regard to vacation rentals.

519 (e) ~~(e)~~ Paragraph (d) ~~(b)~~ does not apply to any local law,  
520 ordinance, or regulation exclusively relating to property  
521 valuation as a criterion for vacation rental if the local law,  
522 ordinance, or regulation is required to be approved by the state  
523 land planning agency pursuant to an area of critical state  
524 concern designation.

525 Section 11. Subsection (12) of section 159.27, Florida  
526 Statutes, is amended to read:

527 159.27 Definitions.—The following words and terms, unless  
528 the context clearly indicates a different meaning, shall have  
529 the following meanings:

530 (12) "Public lodging or restaurant facility" means property  
531 used for any public lodging establishment as defined in s.  
532 509.242 or public food service establishment as defined in s.



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533 509.013 ~~s. 509.013(5)~~ if it is part of the complex of, or  
534 necessary to, another facility qualifying under this part.

535 Section 12. Paragraph (jj) of subsection (7) of section  
536 212.08, Florida Statutes, is amended to read:

537 212.08 Sales, rental, use, consumption, distribution, and  
538 storage tax; specified exemptions.—The sale at retail, the  
539 rental, the use, the consumption, the distribution, and the  
540 storage to be used or consumed in this state of the following  
541 are hereby specifically exempt from the tax imposed by this  
542 chapter.

543 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any  
544 entity by this chapter do not inure to any transaction that is  
545 otherwise taxable under this chapter when payment is made by a  
546 representative or employee of the entity by any means,  
547 including, but not limited to, cash, check, or credit card, even  
548 when that representative or employee is subsequently reimbursed  
549 by the entity. In addition, exemptions provided to any entity by  
550 this subsection do not inure to any transaction that is  
551 otherwise taxable under this chapter unless the entity has  
552 obtained a sales tax exemption certificate from the department  
553 or the entity obtains or provides other documentation as  
554 required by the department. Eligible purchases or leases made  
555 with such a certificate must be in strict compliance with this  
556 subsection and departmental rules, and any person who makes an  
557 exempt purchase with a certificate that is not in strict  
558 compliance with this subsection and the rules is liable for and  
559 shall pay the tax. The department may adopt rules to administer  
560 this subsection.

561 (jj) *Complimentary meals*.—Also exempt from the tax imposed



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562 by this chapter are food or drinks that are furnished as part of  
563 a packaged room rate by any person offering for rent or lease  
564 any transient living accommodations as described in s.  
565 509.013(10) (a) ~~s. 509.013(4) (a)~~ which are licensed under part I  
566 of chapter 509 and which are subject to the tax under s. 212.03,  
567 if a separate charge or specific amount for the food or drinks  
568 is not shown. Such food or drinks are considered to be sold at  
569 retail as part of the total charge for the transient living  
570 accommodations. Moreover, the person offering the accommodations  
571 is not considered to be the consumer of items purchased in  
572 furnishing such food or drinks and may purchase those items  
573 under conditions of a sale for resale.

574 Section 13. Paragraph (b) of subsection (4) of section  
575 316.1955, Florida Statutes, is amended to read:

576 316.1955 Enforcement of parking requirements for persons  
577 who have disabilities.-

578 (4)

579 (b) Notwithstanding paragraph (a), a theme park or ~~an~~  
580 entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~  
581 which provides parking in designated areas for persons who have  
582 disabilities may allow any vehicle that is transporting a person  
583 who has a disability to remain parked in a space reserved for  
584 persons who have disabilities throughout the period the theme  
585 park is open to the public for that day.

586 Section 14. Subsection (5) of section 404.056, Florida  
587 Statutes, is amended to read:

588 404.056 Environmental radiation standards and projects;  
589 certification of persons performing measurement or mitigation  
590 services; mandatory testing; notification on real estate



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591 documents; rules.-

592 (5) NOTIFICATION ON REAL ESTATE DOCUMENTS.-Notification  
593 shall be provided on at least one document, form, or application  
594 executed at the time of, or prior to, contract for sale and  
595 purchase of any building or execution of a rental agreement for  
596 any building. Such notification shall contain the following  
597 language:

598

599 "RADON GAS: Radon is a naturally occurring radioactive gas  
600 that, when it has accumulated in a building in sufficient  
601 quantities, may present health risks to persons who are exposed  
602 to it over time. Levels of radon that exceed federal and state  
603 guidelines have been found in buildings in Florida. Additional  
604 information regarding radon and radon testing may be obtained  
605 from your county health department."

606

607 The requirements of this subsection do not apply to any  
608 residential transient occupancy, as described in s. 509.013(17)  
609 ~~s. 509.013(12)~~, provided that such occupancy is 45 days or less  
610 in duration.

611 Section 15. Subsection (6) of section 477.0135, Florida  
612 Statutes, is amended to read:

613 477.0135 Exemptions.-

614 (6) A license is not required of any individual providing  
615 makeup or special effects services in a theme park or  
616 entertainment complex to an actor, stunt person, musician,  
617 extra, or other talent, or providing makeup or special effects  
618 services to the general public. The term "theme park or  
619 entertainment complex" has the same meaning as in s. 509.013 ~~s.~~



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620 ~~509.013(9).~~

621 Section 16. Subsection (1) of section 509.072, Florida  
622 Statutes, is amended to read:

623 509.072 Hotel and Restaurant Trust Fund; collection and  
624 disposition of moneys received.—

625 (1) There is created a Hotel and Restaurant Trust Fund to  
626 be used for the administration and operation of the division and  
627 the carrying out of all laws and rules under the jurisdiction of  
628 the division pertaining to the construction, maintenance, and  
629 operation of public lodging establishments, vacation rentals,  
630 and public food service establishments, including the inspection  
631 of elevators as required under chapter 399. All funds collected  
632 by the division and the amounts paid for licenses and fees shall  
633 be deposited in the State Treasury into the Hotel and Restaurant  
634 Trust Fund.

635 Section 17. Section 509.091, Florida Statutes, is amended  
636 to read:

637 509.091 Notices; form and service.—

638 (1) Each notice served by the division pursuant to this  
639 chapter must be in writing and must be delivered personally by  
640 an agent of the division or by registered letter to the operator  
641 of the public lodging establishment, vacation rental, or public  
642 food service establishment. If the operator refuses to accept  
643 service or evades service or the agent is otherwise unable to  
644 effect service after due diligence, the division may post such  
645 notice in a conspicuous place at the establishment.

646 (2) Notwithstanding subsection (1), the division may  
647 deliver lodging inspection reports and food service inspection  
648 reports to the operator of the public lodging establishment,



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649 vacation rental, or public food service establishment by  
650 electronic means.

651 Section 18. Section 509.095, Florida Statutes, is amended  
652 to read:

653 509.095 Accommodations at public lodging establishments or  
654 vacation rentals for individuals with a valid military  
655 identification card.—Upon the presentation of a valid military  
656 identification card by an individual who is currently on active  
657 duty as a member of the United States Armed Forces, National  
658 Guard, Reserve Forces, or Coast Guard, and who seeks to obtain  
659 accommodations at a hotel, motel, or bed and breakfast inn, as  
660 defined in s. 509.242, or vacation rental, such hotel, motel, ~~or~~  
661 bed and breakfast inn, or vacation rental shall waive any  
662 minimum age policy that it may have which restricts  
663 accommodations to individuals based on age. Duplication of a  
664 military identification card presented pursuant to this section  
665 is prohibited.

666 Section 19. Subsection (1) of section 509.101, Florida  
667 Statutes, is amended to read:

668 509.101 Establishment rules; posting of notice; food  
669 service inspection report; maintenance of guest register; mobile  
670 food dispensing vehicle registry.—

671 (1) Any operator of a public lodging establishment,  
672 vacation rental, or a public food service establishment may  
673 establish reasonable rules and regulations for the management of  
674 the establishment and its guests and employees; and each guest  
675 or employee staying, sojourning, eating, or employed in the  
676 establishment shall conform to and abide by such rules and  
677 regulations so long as the guest or employee remains in or at



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678 the establishment. Such rules and regulations shall be deemed to  
679 be a special contract between the operator and each guest or  
680 employee using the services or facilities of the operator. Such  
681 rules and regulations shall control the liabilities,  
682 responsibilities, and obligations of all parties. Any rules or  
683 regulations established pursuant to this section shall be  
684 printed in the English language and posted in a prominent place  
685 within such public lodging establishment, vacation rental, or  
686 public food service establishment. In addition, any operator of  
687 a public food service establishment shall maintain a copy of the  
688 latest food service inspection report and shall make it  
689 available to the division at the time of any division inspection  
690 of the establishment and to the public, upon request.

691 Section 20. Section 509.111, Florida Statutes, is amended  
692 to read:

693 509.111 Liability for property of guests.—

694 (1) The operator of a public lodging establishment or  
695 vacation rental is not under any obligation to accept for  
696 safekeeping any moneys, securities, jewelry, or precious stones  
697 of any kind belonging to any guest, and, if such are accepted  
698 for safekeeping, the operator is not liable for the loss thereof  
699 unless such loss was the proximate result of fault or negligence  
700 of the operator. However, the liability of the operator shall be  
701 limited to \$1,000 for such loss, if the public lodging  
702 establishment or vacation rental gave a receipt for the property  
703 (stating the value) on a form which stated, in type large enough  
704 to be clearly noticeable, that the public lodging establishment  
705 or vacation rental was not liable for any loss exceeding \$1,000  
706 and was only liable for that amount if the loss was the



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707 proximate result of fault or negligence of the operator.

708 (2) The operator of a public lodging establishment or  
709 vacation rental is not liable or responsible to any guest for  
710 the loss of wearing apparel, goods, or other property, except as  
711 provided in subsection (1), unless such loss occurred as the  
712 proximate result of fault or negligence of such operator, and,  
713 in case of fault or negligence, the operator is not liable for a  
714 greater sum than \$500, unless the guest, before ~~prior to~~ the  
715 loss or damage, files with the operator an inventory of the  
716 guest's effects and the value thereof and the operator is given  
717 the opportunity to inspect such effects and check them against  
718 such inventory. The operator of a public lodging establishment  
719 or vacation rental is not liable or responsible to any guest for  
720 the loss of effects listed in such inventory in a total amount  
721 exceeding \$1,000.

722 Section 21. Section 509.141, Florida Statutes, is amended  
723 to read:

724 509.141 Refusal of admission and ejection of undesirable  
725 guests; notice; procedure; penalties for refusal to leave.-

726 (1) The operator of any public lodging establishment,  
727 vacation rental, or public food service establishment may remove  
728 or cause to be removed from such establishment, in the manner  
729 hereinafter provided, any guest of the establishment who, while  
730 on the premises of the establishment, illegally possesses or  
731 deals in controlled substances as defined in chapter 893 or is  
732 intoxicated, profane, lewd, or brawling; who indulges in any  
733 language or conduct which disturbs the peace and comfort of  
734 other guests or which injures the reputation, dignity, or  
735 standing of the establishment; who, in the case of a public



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736 lodging establishment or vacation rental, fails to make payment  
737 of rent at the agreed-upon rental rate by the agreed-upon  
738 checkout time; who, in the case of a public lodging  
739 establishment or vacation rental, fails to check out by the time  
740 agreed upon in writing by the guest and public lodging  
741 establishment or vacation rental at check-in unless an extension  
742 of time is agreed to by the public lodging establishment or  
743 vacation rental and guest before ~~prior to~~ checkout; who, in the  
744 case of a public food service establishment, fails to make  
745 payment for food, beverages, or services; or who, in the opinion  
746 of the operator, is a person the continued entertainment of whom  
747 would be detrimental to such establishment. The admission to, or  
748 the removal from, such establishment may ~~shall~~ not be based upon  
749 race, creed, color, sex, physical disability, or national  
750 origin.

751 (2) The operator of any public lodging establishment,   
752 vacation rental, or public food service establishment shall  
753 notify such guest that the establishment no longer desires to  
754 entertain the guest and shall request that such guest  
755 immediately depart from the establishment. Such notice may be  
756 given orally or in writing. If the notice is in writing, it  
757 shall be as follows:

758  
759 "You are hereby notified that this establishment no longer  
760 desires to entertain you as its guest, and you are requested to  
761 leave at once. To remain after receipt of this notice is a  
762 misdemeanor under the laws of this state."

763  
764 If such guest has paid in advance, the establishment shall, at



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765 the time such notice is given, tender to such guest the unused  
766 portion of the advance payment; however, the establishment may  
767 withhold payment for each full day that the guest has been  
768 entertained at the establishment for any portion of the 24-hour  
769 period of such day.

770 (3) Any guest who remains or attempts to remain in any such  
771 establishment after being requested to leave commits is guilty  
772 ~~of~~ a misdemeanor of the second degree, punishable as provided in  
773 s. 775.082 or s. 775.083.

774 (4) If any person is illegally on the premises of any  
775 public lodging establishment, vacation rental, or public food  
776 service establishment, the operator of such establishment may  
777 call upon any law enforcement officer of this state for  
778 assistance. It is the duty of such law enforcement officer, upon  
779 the request of such operator, to place under arrest and take  
780 into custody for violation of this section any guest who  
781 violates subsection (3) in the presence of the officer. If a  
782 warrant has been issued by the proper judicial officer for the  
783 arrest of any violator of subsection (3), the officer shall  
784 serve the warrant, arrest the person, and take the person into  
785 custody. Upon arrest, with or without warrant, the guest will be  
786 deemed to have given up any right to occupancy or to have  
787 abandoned such right of occupancy of the premises, and the  
788 operator of the establishment may then make such premises  
789 available to other guests. However, the operator of the  
790 establishment shall employ all reasonable and proper means to  
791 care for any personal property which may be left on the premises  
792 by such guest and shall refund any unused portion of moneys paid  
793 by such guest for the occupancy of such premises.



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794 Section 22. Section 509.142, Florida Statutes, is amended  
795 to read:

796 509.142 Conduct on premises; refusal of service.—The  
797 operator of a public lodging establishment, vacation rental, or  
798 public food service establishment may refuse accommodations or  
799 service to any person whose conduct on the premises of the  
800 establishment displays intoxication, profanity, lewdness, or  
801 brawling; who indulges in language or conduct such as to disturb  
802 the peace or comfort of other guests; who engages in illegal or  
803 disorderly conduct; who illegally possesses or deals in  
804 controlled substances as defined in chapter 893; or whose  
805 conduct constitutes a nuisance. Such refusal may not be based  
806 upon race, creed, color, sex, physical disability, or national  
807 origin.

808 Section 23. Section 509.144, Florida Statutes, is amended  
809 to read:

810 509.144 Prohibited handbill distribution in a public  
811 lodging establishment or vacation rental; penalties.—

812 (1) As used in this section, the term:

813 (a) "Handbill" means a flier, leaflet, pamphlet, or other  
814 written material that advertises, promotes, or informs persons  
815 about a person, business, company, or food service establishment  
816 but does not include employee communications permissible under  
817 the National Labor Relations Act, other communications protected  
818 by the First Amendment to the United States Constitution, or  
819 communications about public health, safety, or welfare  
820 distributed by a federal, state, or local governmental entity or  
821 a public or private utility.

822 (b) "Without permission" means without the expressed



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823 written permission of the owner, manager, or agent of the owner  
824 or manager of the public lodging establishment or vacation  
825 rental where a sign is posted prohibiting advertising or  
826 solicitation in the manner provided in subsection (5).

827 (c) "At or in a public lodging establishment or vacation  
828 rental" means any property under the sole ownership or control  
829 of a public lodging establishment or vacation rental.

830 (2) Any person, agent, contractor, or volunteer who is  
831 acting on behalf of a person, business, company, or food service  
832 establishment and who, without permission, delivers,  
833 distributes, or places, or attempts to deliver, distribute, or  
834 place, a handbill at or in a public lodging establishment or  
835 vacation rental commits a misdemeanor of the first degree,  
836 punishable as provided in s. 775.082 or s. 775.083.

837 (3) Any person who, without permission, directs another  
838 person to deliver, distribute, or place, or attempts to deliver,  
839 distribute, or place, a handbill at or in a public lodging  
840 establishment or vacation rental commits a misdemeanor of the  
841 first degree, punishable as provided in s. 775.082 or s.  
842 775.083. Any person sentenced under this subsection shall be  
843 ordered to pay a minimum fine of \$500 in addition to any other  
844 penalty imposed by the court.

845 (4) In addition to any penalty imposed by the court, a  
846 person who violates subsection (2) or subsection (3) must:

847 (a) ~~Shall~~ Pay a minimum fine of \$2,000 for a second  
848 violation.

849 (b) ~~Shall~~ Pay a minimum fine of \$3,000 for a third or  
850 subsequent violation.

851 (5) For purposes of this section, a public lodging



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852 establishment or vacation rental that intends to prohibit  
853 advertising or solicitation, as described in this section, at or  
854 in such establishment must comply with the following  
855 requirements when posting a sign prohibiting such solicitation  
856 or advertising:

857 (a) There must appear prominently on any sign referred to  
858 in this subsection, in letters of not less than 2 inches in  
859 height, the terms "no advertising" or "no solicitation" or terms  
860 that indicate the same meaning.

861 (b) The sign must be posted conspicuously.

862 (c) If the main office of a ~~the~~ public lodging  
863 establishment is immediately accessible by entering the office  
864 through a door from a street, parking lot, grounds, or other  
865 area outside such establishment, the sign must be placed on a  
866 part of the main office, such as a door or window, and the sign  
867 must face the street, parking lot, grounds, or other area  
868 outside such establishment.

869 (d) If the main office of a ~~the~~ public lodging  
870 establishment is not immediately accessible by entering the  
871 office through a door from a street, parking lot, grounds, or  
872 other area outside such establishment, the sign must be placed  
873 in the immediate vicinity of the main entrance to such  
874 establishment, and the sign must face the street, parking lot,  
875 grounds, or other area outside such establishment.

876 (6) Any personal property, including, but not limited to,  
877 any vehicle, item, object, tool, device, weapon, machine, money,  
878 security, book, or record, that is used or attempted to be used  
879 as an instrumentality in the commission of, or in aiding and  
880 abetting in the commission of, a person's third or subsequent



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881 violation of this section, whether or not comprising an element  
882 of the offense, is subject to seizure and forfeiture under the  
883 Florida Contraband Forfeiture Act.

884 Section 24. Subsections (1), (2), and (3) of section  
885 509.162, Florida Statutes, are amended to read:

886 509.162 Theft of personal property; detaining and arrest of  
887 violator; theft by employee.-

888 (1) Any law enforcement officer or operator of a public  
889 lodging establishment, vacation rental, or public food service  
890 establishment who has probable cause to believe that theft of  
891 personal property belonging to such establishment has been  
892 committed by a person and that the officer or operator can  
893 recover such property or the reasonable value thereof by taking  
894 the person into custody may, for the purpose of attempting to  
895 effect such recovery or for prosecution, take such person into  
896 custody on the premises and detain such person in a reasonable  
897 manner and for a reasonable period of time. If the operator  
898 takes the person into custody, a law enforcement officer shall  
899 be called to the scene immediately. The taking into custody and  
900 detention by a law enforcement officer or operator of a public  
901 lodging establishment, vacation rental, or public food service  
902 establishment, if done in compliance with this subsection, does  
903 not render such law enforcement officer or operator criminally  
904 or civilly liable for false arrest, false imprisonment, or  
905 unlawful detention.

906 (2) Any law enforcement officer may arrest, either on or  
907 off the premises and without warrant, any person if there is  
908 probable cause to believe that person has committed theft in a  
909 public lodging establishment, vacation rental, or ~~in a~~ public



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910 food service establishment.

911 (3) Any person who resists the reasonable effort of a law  
912 enforcement officer or operator of a public lodging  
913 establishment, vacation rental, or public food service  
914 establishment to recover property which the law enforcement  
915 officer or operator had probable cause to believe had been  
916 stolen from the public lodging establishment, vacation rental,  
917 or public food service establishment, and who is subsequently  
918 found to be guilty of theft of the subject property, is guilty  
919 of a misdemeanor of the first degree, punishable as provided in  
920 s. 775.082 or s. 775.083, unless such person did not know, or  
921 did not have reason to know, that the person seeking to recover  
922 the property was a law enforcement officer or the operator. For  
923 purposes of this section, the charge of theft and the charge of  
924 resisting apprehension may be tried concurrently.

925 Section 25. Section 509.2015, Florida Statutes, is amended  
926 to read:

927 509.2015 Telephone surcharges by public lodging  
928 establishments and vacation rentals.-

929 (1) A public lodging establishment or vacation rental that  
930 ~~which~~ imposes a surcharge for any telephone call must post  
931 notice of such surcharge in a conspicuous place located by each  
932 telephone from which a call which is subject to a surcharge may  
933 originate. Such notice must be plainly visible and printed on a  
934 sign that is not less than 3 inches by 5 inches in size, and  
935 such notice shall clearly state if the surcharge applies whether  
936 or not the telephone call has been attempted or completed.

937 (2) The division may, pursuant to s. 509.261 or s. 509.606,  
938 suspend or revoke the license of, or impose a fine against, any



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939 public lodging establishment or vacation rental that violates  
940 subsection (1).

941 Section 26. Subsections (1), (2), and (3) of section  
942 509.211, Florida Statutes, are amended to read:

943 509.211 Safety regulations.—

944 (1) Each bedroom or apartment in each public lodging  
945 establishment or vacation rental must ~~shall~~ be equipped with an  
946 approved locking device on each door opening to the outside, to  
947 an adjoining room or apartment, or to a hallway.

948 (2) (a) It is unlawful for any person to use within any  
949 public lodging establishment, vacation rental, or public food  
950 service establishment any fuel-burning wick-type equipment for  
951 space heating unless such equipment is vented so as to prevent  
952 the accumulation of toxic or injurious gases or liquids.

953 (b) Any person who violates ~~the provisions of~~ paragraph (a)  
954 commits a misdemeanor of the second degree, punishable as  
955 provided in s. 775.082 or s. 775.083.

956 (3) Each public lodging establishment or vacation rental  
957 that is three or more stories in height must have safe and  
958 secure railings on all balconies, platforms, and stairways, and  
959 all such railings must be properly maintained and repaired. The  
960 division may impose administrative sanctions for violations of  
961 this subsection pursuant to s. 509.261.

962 Section 27. Section 509.2112, Florida Statutes, is amended  
963 to read:

964 509.2112 Public lodging establishments and vacation rentals  
965 three stories or more in height; inspection rules.—The Division  
966 of Hotels and Restaurants of the Department of Business and  
967 Professional Regulation is directed to provide rules to require



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968 that:

969 (1) Every public lodging establishment or vacation rental  
970 that is three stories or more in height in the state file a  
971 certificate stating that any and all balconies, platforms,  
972 stairways, and railways have been inspected by a person  
973 competent to conduct such inspections and are safe, secure, and  
974 free of defects.

975 (2) The information required under subsection (1) be filed  
976 commencing January 1, 1991, and every 3 years thereafter, with  
977 the Division of Hotels and Restaurants and the applicable county  
978 or municipal authority responsible for building and zoning  
979 permits.

980 (3) If a public lodging establishment or vacation rental  
981 that is three or more stories in height fails to file the  
982 information required in subsection (1), the Division of Hotels  
983 and Restaurants shall impose administrative sanctions pursuant  
984 to s. 509.261.

985 Section 28. Subsections (2) and (3), paragraph (a) of  
986 subsection (4), and subsection (6) of section 509.215, Florida  
987 Statutes, are amended to read:

988 509.215 Firesafety.—

989 (2) Any public lodging establishment or vacation rental, as  
990 defined in this chapter, which is of three stories or more and  
991 for which the construction contract was let before October 1,  
992 1983, shall be equipped with:

993 (a) A system which complies with subsection (1); or

994 (b) An approved sprinkler system for all interior  
995 corridors, public areas, storage rooms, closets, kitchen areas,  
996 and laundry rooms, less individual guest rooms, if the following



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997 conditions are met:

998 1. There is a minimum 1-hour separation between each guest  
999 room and between each guest room and a corridor.

1000 2. The building is constructed of noncombustible materials.

1001 3. The egress conditions meet the requirements of s. 5-3 of  
1002 the Life Safety Code, NFPA 101.

1003 4. The building has a complete automatic fire detection  
1004 system which meets the requirements of NFPA-72A and NFPA-72E,  
1005 including smoke detectors in each guest room individually  
1006 annunciating to a panel at a supervised location.

1007 (3) Notwithstanding any other provision of law to the  
1008 contrary, this section applies only to those public lodging  
1009 establishments and vacation rentals in a building wherein more  
1010 than 50 percent of the units in the building are advertised or  
1011 held out to the public as available for transient occupancy.

1012 (4) (a) Special exception to the provisions of this section  
1013 shall be made for a public lodging establishment or vacation  
1014 rental structure that is individually listed in the National  
1015 Register of Historic Places pursuant to the National Historic  
1016 Preservation Act of 1966, as amended; or is a contributing  
1017 property to a National Register-listed district; or is  
1018 designated as a historic property, or as a contributing property  
1019 to a historic district under the terms of a local preservation  
1020 ordinance.

1021 (6) Specialized smoke detectors for the deaf and hearing  
1022 impaired shall be available upon request by guests in public  
1023 lodging establishments or vacation rentals at a rate of at least  
1024 one such smoke detector per 50 dwelling units or portions  
1025 thereof, not to exceed five such smoke detectors per public



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1026 lodging facility.

1027 Section 29. Paragraph (b) of subsection (2) and subsection  
1028 (9) of section 509.221, Florida Statutes, are amended to read:

1029 509.221 Sanitary regulations.—

1030 (2)

1031 (b) Within a theme park or entertainment complex as defined  
1032 in s. 509.013 ~~s. 509.013(9)~~, the bathrooms are not required to  
1033 be in the same building as the public food service  
1034 establishment, so long as they are reasonably accessible.

1035 (9) Subsections (2), (5), and (6) do not apply to any  
1036 facility or unit classified as a ~~vacation rental~~, nontransient  
1037 apartment, or timeshare project as described in s. 509.242(1)(c)  
1038 and (f). With the exception of the requirement that they  
1039 maintain public bathroom facilities, those subsections do apply  
1040 to commercial vacation rentals ~~s. 509.242(1)(e), (d), and (g)~~.

1041  
1042 ===== T I T L E A M E N D M E N T =====

1043 And the title is amended as follows:

1044 Delete lines 5 - 86

1045 and insert:

1046 short title; creating s. 509.603, F.S.; specifying  
1047 purpose; preempting certain regulation and control of  
1048 vacation rentals to the state; specifying authority of  
1049 the Division of Hotels and Restaurants over regulation  
1050 of vacation rentals; requiring the division to adopt  
1051 rules; providing legislative intent and specifying  
1052 applicability of the preemption; creating s. 509.604,  
1053 F.S.; requiring vacation rentals to obtain a license;  
1054 specifying that individuals cannot transfer licenses;



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1055 specifying a penalty for operating without a license;  
1056 requiring local law enforcement to assist with  
1057 enforcement; specifying that the division may refuse  
1058 to issue or renew a license under certain  
1059 circumstances; specifying that licenses must be  
1060 renewed annually and that the division must adopt  
1061 rules for staggered renewals; specifying the manner in  
1062 which administrative proceedings proceed upon the  
1063 expiration of a license; specifying that persons  
1064 intending to use a property as a vacation rental apply  
1065 for and receive a license before use; requiring such  
1066 licenses to be displayed in a vacation rental;  
1067 requiring a vacation rental's license number to be  
1068 displayed in all listings and advertisements; creating  
1069 s. 509.605, F.S.; requiring the division to adopt  
1070 rules regarding certain license and delinquent fees;  
1071 specifying the maximum number of units under one  
1072 license; specifying requirements regarding such fees;  
1073 creating s. 509.606, F.S.; providing penalties for  
1074 violations; specifying the circumstances that  
1075 constitute a separate offense of a critical law or  
1076 rule; specifying circumstances under which the  
1077 division must post a closed-for-operation sign on a  
1078 vacation rental; specifying where administrative fines  
1079 must be paid and credited to; specifying the maximum  
1080 amount of time a vacation rental license may be  
1081 suspended; specifying certain circumstances where the  
1082 division may fine, suspend, or revoke the license of a  
1083 vacation rental; specifying that persons are not



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1084 entitled to a license when administrative proceedings  
1085 have been or will be brought against a licensee;  
1086 providing enforcement for noncompliance with final  
1087 orders or other administrative actions; authorizing  
1088 the division to refuse the issuance or renewal of a  
1089 license until all fines have been paid; creating s.  
1090 509.607, F.S.; specifying that vacation rentals are to  
1091 be treated as transient rentals regarding certain tax  
1092 and landlord and tenant provisions; exempting persons  
1093 renting or advertising for rent from certain real  
1094 estate regulations; creating s. 509.608, F.S.;  
1095 preempting inspection of vacation rentals to the  
1096 state, subject to exceptions; specifying that the  
1097 division is solely responsible for inspections and  
1098 quality assurance; specifying that the division has a  
1099 right of entry and access for performing inspections;  
1100 prohibiting the division from establishing certain  
1101 rules; specifying that vacation rentals must be made  
1102 available for inspection upon request; specifying  
1103 procedures for vulnerable adults appearing to be  
1104 victims of neglect and, in the case of buildings  
1105 without automatic sprinkler systems, persons who may  
1106 not be able to self-preserve in an emergency;  
1107 requiring the division to inspect vacation rentals  
1108 when necessary to respond to emergencies and  
1109 epidemiological conditions; requiring the division to  
1110 inspect each commercial vacation rental at least  
1111 biannually; amending s. 509.013, F.S.; revising and  
1112 defining terms; amending s. 509.032, F.S.; requiring



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1113 that the inspection of vacation rentals be done in  
1114 accordance with specified provisions; specifying  
1115 provisions for inspection of vacation rentals relating  
1116 to the Florida Building Code and the Florida Fire  
1117 Prevention Code; authorizing local governments to  
1118 require that vacation rental owners or their agents  
1119 obtain a local government certificate; specifying the  
1120 information that may be required by a local government  
1121 in connection with applications for certificates;  
1122 authorizing local governments to inspect vacation  
1123 rentals for certain compliance; authorizing local  
1124 governments to assess a specified fee, and to assess  
1125 fines for noncompliance; requiring that enforcement of  
1126 regulations by a local government be in accordance  
1127 with specified provisions; providing that local  
1128 governments may regulate activities in certain  
1129 detached single-family residences; revising the  
1130 preemption of local laws, ordinances, and regulations  
1131 relating to vacation rentals; amending ss. 159.27,  
1132 212.08, 316.1955, 404.056, and 477.0135, F.S.;  
1133 conforming cross-references; amending ss. 509.072,  
1134 509.091, 509.095, 509.101, 509.111, 509.141, 509.142,  
1135 509.144, 509.162, 509.2015, 509.211, 509.2112, and  
1136 509.215, F.S.; conforming provisions to changes made  
1137 by the act; amending s. 509.221, F.S.; revising a  
1138 provision that excludes vacation rentals from certain  
1139 sanitary regulations; specifying, subject to an  
1140 exception, that commercial vacation rentals are  
1141 subject to such regulations; amending s. 509.241,



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1142

F.S.; conforming



660498

CA.CA.02474

Proposed Committee Substitute by the Committee on Community  
Affairs

A bill to be entitled

An act relating to vacation rentals; providing a  
directive to the Division of Law Revision and  
Information; creating s. 509.601, F.S.; providing a  
short title; creating s. 509.603, F.S.; providing  
legislative findings; specifying purpose; preempting  
certain regulation and control of vacation rentals to  
the state; specifying authority of the Division of  
Hotels and Restaurants over regulation of vacation  
rentals; requiring the division to adopt rules;  
specifying applicability of the preemption; creating  
s. 509.604, F.S.; requiring vacation rentals to obtain  
a license; specifying that individuals cannot transfer  
licenses; specifying a penalty for operating without a  
license; requiring local law enforcement to assist  
with enforcement; specifying that the division may  
refuse to issue or renew a license under certain  
circumstances; specifying that licenses must be  
renewed annually and that the division must adopt  
rules for staggered renewals; specifying the manner in  
which administrative proceedings proceed upon the  
expiration of a license; specifying that persons  
intending to use a property as a vacation rental apply  
for and receive a license before use; requiring such  
licenses to be displayed in a vacation rental;  
creating s. 509.605, F.S.; requiring the division to  
adopt rules regarding certain license and delinquent



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fees; specifying the maximum number of units under one  
license; specifying requirements regarding such fees;  
creating s. 509.606, F.S.; providing penalties for  
violations; specifying the circumstances that  
constitute a separate offense of a critical law or  
rule; specifying circumstances under which a closed-  
for-operation sign must be posted; specifying where  
administrative fines must be paid and credited to;  
specifying the maximum amount of time a vacation  
rental license may be suspended; specifying certain  
circumstances where the division may fine, suspend, or  
revoke the license of a vacation rental; specifying  
that persons are not entitled to a license when  
administrative proceedings have been or will be  
brought against a licenseholder; providing enforcement  
for noncompliance with final orders or other  
administrative actions; authorizing the division to  
refuse the issuance or renewal of a license until all  
fines have been paid; creating s. 509.607, F.S.;  
specifying that vacation rentals are to be treated as  
transient rentals regarding certain tax and landlord  
and tenant provisions; exempting persons renting or  
advertising for rent from certain real estate  
regulations; creating s. 509.608, F.S.; preempting  
inspection of vacation rentals to the state;  
specifying that the division is solely responsible for  
inspections and quality assurance; specifying that the  
division has a right of entry and access for  
performing inspections; prohibiting the division from



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57 establishing certain rules; specifying that vacation  
58 rentals must be made available for inspection upon  
59 request; specifying procedures for vulnerable adults  
60 appearing to be victims of neglect and, in the case of  
61 buildings without automatic sprinkler systems, persons  
62 who may not be able to self-preserve in an emergency;  
63 requiring the division to inspect vacation rentals  
64 when necessary to respond to emergencies and  
65 epidemiological conditions; requiring the division to  
66 inspect each commercial vacation rental at least  
67 biannually; amending s. 509.013, F.S.; revising and  
68 defining terms; amending s. 509.032, F.S.; specifying  
69 provisions for inspection of vacation rentals;  
70 specifying that local governments may regulate  
71 activities that arise when a property is used as a  
72 vacation rental subject to certain conditions;  
73 authorizing local governments to require that vacation  
74 rental owners submit specified documentation;  
75 authorizing local governments to assess a fee and  
76 certain fines; revising the preemption of local laws,  
77 ordinances, and regulations relating to vacation  
78 rentals; amending ss. 159.27, 212.08, 316.1955,  
79 404.056, and 477.0135, F.S.; conforming cross-  
80 references; amending ss. 509.072, 509.091, 509.095,  
81 509.101, 509.111, 509.141, 509.142, 509.144, 509.162,  
82 509.2015, 509.211, 509.2112, and 509.215, F.S.;  
83 conforming provisions to changes made by the act;  
84 amending s. 509.221, F.S.; revising a provision that  
85 excludes vacation rentals from certain sanitary



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86 regulations; amending s. 509.241, F.S.; conforming  
87 provisions to changes made by the act; amending s.  
88 509.242, F.S.; removing vacation rentals from the  
89 classifications of public lodging establishments;  
90 amending ss. 509.251, 509.281, 509.302, 509.4005,  
91 509.401, 509.402, 509.405, 509.409, and 509.417, F.S.;  
92 conforming provisions to changes made by the act;  
93 amending ss. 553.5041, 717.1355, and 877.24, F.S.;  
94 conforming cross-references; providing an effective  
95 date.  
96  
97 Be It Enacted by the Legislature of the State of Florida:  
98  
99 Section 1. The Division of Law Revision and Information is  
100 directed to create part III of chapter 509, Florida Statutes,  
101 consisting of ss. 509.601-509.608, Florida Statutes, to be  
102 entitled "Vacation Rentals."  
103 Section 2. Section 509.601, Florida Statutes, is created to  
104 read:  
105 509.601 Short title.-This part may be cited as the "Florida  
106 Vacation Rental Act."  
107 Section 3. Section 509.603, Florida Statutes, is created to  
108 read:  
109 509.603 Legislative findings and purpose; preemption of  
110 subject matter; duties.-  
111 (1) The Legislature finds that:  
112 (a) Property owners who choose to use their property as a  
113 vacation rental have constitutionally protected property rights  
114 and other rights that must be protected, including the right to



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115 use their residential property as a vacation rental;  
116 (b) Vacation rentals play a significant, unique, and  
117 critical role in Florida's tourism industry, and that role is  
118 different from that of public lodging establishments;  
119 (c) There are factors unique to the ownership and operation  
120 of a vacation rental; and  
121 (d) Vacation rentals are residential in nature and, thus,  
122 belong in residential neighborhoods.  
123 (2) This part is created for the purpose of regulating the  
124 factors unique to vacation rentals. The applicable provisions of  
125 part I of this chapter are hereby deemed incorporated into this  
126 part.  
127 (3) All regulation of vacation rentals is preempted to the  
128 state unless otherwise provided for in this chapter.  
129 (4) The division has the authority to carry out this  
130 chapter.  
131 (5) The division shall adopt rules pursuant to ss.  
132 120.536(1) and 120.54 to implement this part.  
133 (6) If any provision of this part is held invalid, it is  
134 the legislative intent that the preemption by this section be no  
135 longer applicable to the provision of the part held invalid.  
136 Section 4. Section 509.604, Florida Statutes, is created to  
137 read:  
138 509.604 Licenses required; exceptions.-  
139 (1) LICENSES; ANNUAL RENEWALS.-Each vacation rental shall  
140 obtain a license from the division. Such license may not be  
141 transferred from one place or individual to another. It shall be  
142 a misdemeanor of the second degree, punishable as provided in s.  
143 775.082 or s. 775.083, for such a rental to operate without a



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144 license. Local law enforcement shall provide immediate  
145 assistance in pursuing an illegally operating vacation rental.  
146 The division may refuse to issue a license, or a renewal  
147 thereof, to any vacation rental of an operator of which, within  
148 the preceding 5 years, has been adjudicated guilty of, or has  
149 forfeited a bond when charged with, any crime reflecting on  
150 professional character, including soliciting for prostitution,  
151 pandering, letting premises for prostitution, keeping a  
152 disorderly place, or illegally dealing in controlled substances  
153 as defined in chapter 893, whether in this state or in any other  
154 jurisdiction within the United States, or has had a license  
155 denied, revoked, or suspended pursuant to s. 429.14. Licenses  
156 must be renewed annually, and the division shall adopt a rule  
157 establishing a staggered schedule for license renewals. If any  
158 license expires while administrative charges are pending against  
159 the license, the proceedings against the license shall continue  
160 to conclusion as if the license were still in effect.  
161 (2) APPLICATION FOR LICENSE.-Each person intending to use  
162 his or her property as a vacation rental must apply for and  
163 receive a license from the division before the commencement of  
164 such use.  
165 (3) DISPLAY OF LICENSE.-Any license issued by the division  
166 must be conspicuously displayed in the vacation rental.  
167 Section 5. Section 509.605, Florida Statutes, is created to  
168 read:  
169 509.605 License fees.-  
170 (1) The division shall adopt by rule a fee to be paid by  
171 each vacation rental as a prerequisite to issuance or renewal of  
172 a license. Vacation rental units within separate buildings or at



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173 separate locations but managed by one licensed operator may be  
174 combined in a single license application, and the division shall  
175 charge a license fee as if all units in the application are a  
176 single vacation rental; however, such fee may not exceed \$1,000.  
177 The division may only issue a license for a maximum of 75 units  
178 under one license. The rule must require a vacation rental that  
179 applies for an initial license to pay the full license fee if  
180 application is made during the annual renewal period or more  
181 than 6 months before the next such renewal period and one-half  
182 of the fee if application is made 6 months or less before such  
183 period. The rule must also require that fees be collected for  
184 the purpose of funding the Hospitality Education Program,  
185 pursuant to s. 509.302. Such fees must be payable in full for  
186 each application regardless of when the application is  
187 submitted.

188 (2) Upon making initial application or an application for  
189 change of ownership of a vacation rental, the applicant must pay  
190 to the division a fee as prescribed by rule, not to exceed \$50,  
191 in addition to any other fees required by law, which must cover  
192 all costs associated with initiating regulation of the vacation  
193 rental.

194 (3) A license renewal filed with the division after the  
195 expiration date must be accompanied by a delinquent fee as  
196 prescribed by rule, not to exceed \$50, in addition to the  
197 renewal fee and any other fees required by law.

198 Section 6. Section 509.606, Florida Statutes, is created to  
199 read:

200 509.606 Revocation or suspension of licenses; fines;  
201 procedure.-



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202 (1) Any vacation rental operating in violation of this part  
203 or the rules of the division, operating without a license, or  
204 operating with a suspended or revoked license may be subject by  
205 the division to:

206 (a) Fines not to exceed \$1,000 per offense; and

207 (b) The suspension, revocation, or refusal of a license  
208 issued pursuant to this chapter.

209 (2) For the purposes of this section, the division may  
210 regard as a separate offense each day or portion of a day on  
211 which a vacation rental is operated in violation of a "critical  
212 law or rule," as that term is defined by rule.

213 (3) The division shall post a prominent closed-for-  
214 operation sign on any vacation rental, the license of which has  
215 been suspended or revoked. The division shall also post such  
216 sign on any vacation rental judicially or administratively  
217 determined to be operating without a license. It is a  
218 misdemeanor of the second degree, punishable as provided in s.  
219 775.082 or s. 775.083, for any person to deface or remove such  
220 closed-for-operation sign or for any vacation rental to open for  
221 operation without a license or to open for operation while its  
222 license is suspended or revoked. The division may impose  
223 administrative sanctions for violations of this section.

224 (4) All funds received by the division as satisfaction for  
225 administrative fines must be paid into the State Treasury to the  
226 credit of the Hotel and Restaurant Trust Fund and may not  
227 subsequently be used for payment to any entity performing  
228 required inspections under contract with the division.  
229 Administrative fines may be used to support division programs  
230 pursuant to s. 509.302(1).



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231 (5) (a) A license may not be suspended under this section  
232 for a period of more than 12 months. At the end of such period  
233 of suspension, the vacation rental may apply for reinstatement  
234 or renewal of the license. A vacation rental, the license of  
235 which is revoked, may not apply for another license for that  
236 location before the date on which the revoked license would have  
237 expired.

238 (b) The division may fine, suspend, or revoke the license  
239 of any vacation rental if an operator knowingly lets, leases, or  
240 gives space for unlawful gambling purposes or permits unlawful  
241 gambling in such establishment or in or upon any premises which  
242 are used in connection with, and are under the same charge,  
243 control, or management as, such establishment.

244 (6) The division may fine, suspend, or revoke the license  
245 of any vacation rental when:

246 (a) Any person with a direct financial interest in the  
247 licensed vacation rental, within the preceding 5 years in this  
248 state, any other state, or the United States, has been  
249 adjudicated guilty of or forfeited a bond when charged with  
250 soliciting for prostitution, pandering, letting premises for  
251 prostitution, keeping a disorderly place, illegally dealing in  
252 controlled substances as defined in chapter 893, or any other  
253 crime reflecting on professional character.

254 (b) The division has deemed such vacation rental to be an  
255 imminent danger to the public health and safety for failure to  
256 meet sanitation standards, or the division has determined the  
257 vacation rental to be unsafe or unfit for human occupancy.

258 (7) A person is not entitled to the issuance of a license  
259 for any vacation rental except in the discretion of the director



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260 when the division has notified the current licenseholder for  
261 such premises that administrative proceedings have been or will  
262 be brought against such current licensee for violation of any  
263 provision of this chapter or rule of the division.

264 (8) The division may fine, suspend, or revoke the license  
265 of any vacation rental when the rental is not in compliance with  
266 the requirements of a final order or other administrative action  
267 issued against the licensee by the division.

268 (9) The division may refuse to issue or renew the license  
269 of any vacation rental until all outstanding fines are paid in  
270 full to the division as required by all final orders or other  
271 administrative action issued against the licensee by the  
272 division.

273 Section 7. Section 509.607, Florida Statutes, is created to  
274 read:

275 509.607 Taxes; exemptions.—Vacation rentals are subject to  
276 chapter 212 in the same manner as transient rentals. Vacation  
277 rentals are exempt from chapter 83 in the same manner as  
278 transient rentals. Any person, partnership, corporation, or  
279 other legal entity which, for another and for compensation or  
280 other valuable consideration, rents or advertises for rent a  
281 vacation rental licensed under chapter 509 is exempt from  
282 chapter 475.

283 Section 8. Section 509.608, Florida Statutes, is created to  
284 read:

285 509.608 Inspection of premises.—

286 (1) Inspection of vacation rentals is preempted to the  
287 state, and the division has jurisdiction and is solely  
288 responsible for all inspections. The division is solely



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289 responsible for quality assurance.

290 (2) For purposes of performing inspections and the  
291 enforcement of this chapter, the division has the right of entry  
292 and access to a vacation rental at any reasonable time.

293 (3) The division may not establish by rule any regulation  
294 governing the design, construction, erection, alteration,  
295 modification, repair, or demolition of any vacation rental.

296 (4) Vacation rentals must be made available to the division  
297 for inspection upon request. If, during the inspection of a  
298 vacation rental, an inspector identifies vulnerable adults who  
299 appear to be victims of neglect, as defined in s. 415.102, or,  
300 in the case of a building that is not equipped with automatic  
301 sprinkler systems, tenants or clients who may be unable to self-  
302 preserve in an emergency, the division shall convene meetings  
303 with the following agencies as appropriate to the individual  
304 situation: the Department of Health, the Department of Elderly  
305 Affairs, the area agency on aging, the local fire marshal, the  
306 landlord and affected tenants and clients, and other relevant  
307 organizations, to develop a plan that improves the prospects for  
308 safety of affected residents and, if necessary, identifies  
309 alternative living arrangements, such as facilities licensed  
310 under part II of chapter 400 or under chapter 429.

311 (5) The division shall inspect vacation rentals whenever  
312 necessary to respond to an emergency or epidemiological  
313 condition.

314 (6) The division shall inspect each commercial vacation  
315 rental at least biannually.

316 Section 9. Section 509.013, Florida Statutes, is reordered  
317 and amended to read:



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318 509.013 Definitions.—As used in this chapter, the term:  
319 (1) "Commercial vacation rental" means a vacation rental,  
320 as specified in s. 509.242(1)(c), which:

321 (a) Is managed by one licensed agent under a single  
322 license, pursuant to s. 509.251(1), for five or more vacation  
323 rental units; or

324 (b) Is part of five or more vacation rental units under  
325 common ownership, control, or management, either directly or  
326 indirectly.

327 (3)(1) "Division" means the Division of Hotels and  
328 Restaurants of the Department of Business and Professional  
329 Regulation.

330 (8)(2) "Operator" means the owner, licensee, proprietor,  
331 lessee, manager, assistant manager, or appointed agent of a  
332 public lodging establishment, vacation rental, or public food  
333 service establishment.

334 (4)(3) "Guest" means any patron, customer, tenant, lodger,  
335 boarder, or occupant of a public lodging establishment, vacation  
336 rental, or public food service establishment.

337 (10)(4)(a) "Public lodging establishment" includes a  
338 transient public lodging establishment as defined in  
339 subparagraph 1. and a nontransient public lodging establishment  
340 as defined in subparagraph 2.

341 1. "Transient public lodging establishment" means any unit,  
342 group of units, dwelling, building, or group of buildings within  
343 a single complex of buildings which is rented to guests more  
344 than three times in a calendar year for periods of less than 30  
345 days or 1 calendar month, whichever is less, or which is  
346 advertised or held out to the public as a place regularly rented



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347 to guests.

348 2. "Nontransient public lodging establishment" means any  
349 unit, group of units, dwelling, building, or group of buildings  
350 within a single complex of buildings which is rented to guests  
351 for periods of at least 30 days or 1 calendar month, whichever  
352 is less, or which is advertised or held out to the public as a  
353 place regularly rented to guests for periods of at least 30 days  
354 or 1 calendar month.

355

356 License classifications of public lodging establishments, and  
357 the definitions therefor, are set out in s. 509.242. For the  
358 purpose of licensure, the term does not include condominium  
359 common elements as defined in s. 718.103.

360 (b) The following are excluded from the definitions in  
361 paragraph (a):

362 1. Any dormitory or other living or sleeping facility  
363 maintained by a public or private school, college, or university  
364 for the use of students, faculty, or visitors.

365 2. Any facility certified or licensed and regulated by the  
366 Agency for Health Care Administration or the Department of  
367 Children and Families or other similar place regulated under s.  
368 381.0072.

369 3. Any place renting four rental units or less, unless the  
370 rental units are advertised or held out to the public to be  
371 places that are regularly rented to transients.

372 4. Any unit or group of units in a condominium,  
373 cooperative, or timeshare plan and any individually or  
374 collectively owned one-family, two-family, three-family, or  
375 four-family dwelling house or dwelling unit that is rented for



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376 periods of at least 30 days or 1 calendar month, whichever is  
377 less, and that is not advertised or held out to the public as a  
378 place regularly rented for periods of less than 1 calendar  
379 month, provided that no more than four rental units within a  
380 single complex of buildings are available for rent.

381 5. Any migrant labor camp or residential migrant housing  
382 permitted by the Department of Health under ss. 381.008-  
383 381.00895.

384 6. Any establishment inspected by the Department of Health  
385 and regulated by chapter 513.

386 7. Any nonprofit organization that operates a facility  
387 providing housing only to patients, patients' families, and  
388 patients' caregivers and not to the general public.

389 8. Any apartment building inspected by the United States  
390 Department of Housing and Urban Development or other entity  
391 acting on the department's behalf that is designated primarily  
392 as housing for persons at least 62 years of age. The division  
393 may require the operator of the apartment building to attest in  
394 writing that such building meets the criteria provided in this  
395 subparagraph. The division may adopt rules to implement this  
396 requirement.

397 9. Any roominghouse, boardinghouse, or other living or  
398 sleeping facility that may not be classified as a hotel, motel,  
399 timeshare project, ~~vacation rental~~, nontransient apartment, bed  
400 and breakfast inn, or transient apartment under s. 509.242.

401 10. Any vacation rental.

402 (9)(5)(a) "Public food service establishment" means any  
403 building, vehicle, place, or structure, or any room or division  
404 in a building, vehicle, place, or structure where food is



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405 prepared, served, or sold for immediate consumption on or in the  
406 vicinity of the premises; called for or taken out by customers;  
407 or prepared ~~before prior to~~ being delivered to another location  
408 for consumption. The term includes a culinary education program,  
409 as defined in s. 381.0072(2), which offers, prepares, serves, or  
410 sells food to the general public, regardless of whether it is  
411 inspected by another state agency for compliance with sanitation  
412 standards.

413 (b) The following are excluded from the definition in  
414 paragraph (a):

415 1. Any place maintained and operated by a public or private  
416 school, college, or university:

417 a. For the use of students and faculty; or

418 b. Temporarily to serve such events as fairs, carnivals,  
419 food contests, cook-offs, and athletic contests.

420 2. Any eating place maintained and operated by a church or  
421 a religious, nonprofit fraternal, or nonprofit civic  
422 organization:

423 a. For the use of members and associates; or

424 b. Temporarily to serve such events as fairs, carnivals,  
425 food contests, cook-offs, or athletic contests.

426  
427 Upon request by the division, a church or a religious, nonprofit  
428 fraternal, or nonprofit civic organization claiming an exclusion  
429 under this subparagraph must provide the division documentation  
430 of its status as a church or a religious, nonprofit fraternal,  
431 or nonprofit civic organization.

432 3. Any eating place maintained and operated by an  
433 individual or entity at a food contest, cook-off, or a temporary



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434 event lasting from 1 to 3 days which is hosted by a church or a  
435 religious, nonprofit fraternal, or nonprofit civic organization.  
436 Upon request by the division, the event host must provide the  
437 division documentation of its status as a church or a religious,  
438 nonprofit fraternal, or nonprofit civic organization.

439 4. Any eating place located on an airplane, train, bus, or  
440 watercraft which is a common carrier.

441 5. Any eating place maintained by a facility certified or  
442 licensed and regulated by the Agency for Health Care  
443 Administration or the Department of Children and Families or  
444 other similar place that is regulated under s. 381.0072.

445 6. Any place of business issued a permit or inspected by  
446 the Department of Agriculture and Consumer Services under s.  
447 500.12.

448 7. Any place of business where the food available for  
449 consumption is limited to ice, beverages with or without  
450 garnishment, popcorn, or prepackaged items sold without  
451 additions or preparation.

452 8. Any theater, if the primary use is as a theater and if  
453 patron service is limited to food items customarily served to  
454 the admittees of theaters.

455 9. Any vending machine that dispenses any food or beverages  
456 other than potentially hazardous foods, as defined by division  
457 rule.

458 10. Any vending machine that dispenses potentially  
459 hazardous food and which is located in a facility regulated  
460 under s. 381.0072.

461 11. Any research and development test kitchen limited to  
462 the use of employees and which is not open to the general



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463 public.

464 ~~(2)(6)~~ "Director" means the Director of the Division of  
465 Hotels and Restaurants of the Department of Business and  
466 Professional Regulation.

467 ~~(11)(7)~~ "Single complex of buildings" means all buildings  
468 or structures that are owned, managed, controlled, or operated  
469 under one business name and are situated on the same tract or  
470 plot of land that is not separated by a public street or  
471 highway.

472 ~~(12)(8)~~ "Temporary food service event" means any event of  
473 30 days or less in duration where food is prepared, served, or  
474 sold to the general public.

475 ~~(13)(9)~~ "Theme park or entertainment complex" means a  
476 complex consisting ~~comprised~~ of at least 25 contiguous acres  
477 owned and controlled by the same business entity and which  
478 contains permanent exhibitions and a variety of recreational  
479 activities and has a minimum of 1 million visitors annually.

480 ~~(14)(10)~~ "Third-party provider" means, for purposes of s.  
481 509.049, any provider of an approved food safety training  
482 program that provides training or such a training program to a  
483 public food service establishment that is not under common  
484 ownership or control with the provider.

485 ~~(16)(11)~~ "Transient establishment" means any public lodging  
486 establishment that is rented or leased to guests by an operator  
487 whose intention is that such guests' occupancy will be  
488 temporary.

489 ~~(17)(12)~~ "Transient occupancy" means occupancy when it is  
490 the intention of the parties that the occupancy will be  
491 temporary. There is a rebuttable presumption that, when the



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492 dwelling unit occupied is not the sole residence of the guest,  
493 the occupancy is transient.

494 ~~(15)(13)~~ "Transient" means a guest in transient occupancy.

495 ~~(6)(14)~~ "Nontransient establishment" means any public  
496 lodging establishment that is rented or leased to guests by an  
497 operator whose intention is that the dwelling unit occupied will  
498 be the sole residence of the guest.

499 ~~(7)(15)~~ "Nontransient occupancy" means any occupancy in  
500 which ~~when~~ it is the intention of the parties that such ~~the~~  
501 occupancy will not be temporary. There is a rebuttable  
502 presumption that, when the dwelling unit occupied is the sole  
503 residence of the guest, the occupancy is nontransient.

504 ~~(5)(16)~~ "Nontransient" means a guest in nontransient  
505 occupancy.

506 ~~(18)~~ "Vacation rental" means any unit in a condominium or  
507 cooperative or any individually or collectively owned single-  
508 family, two-family, three-family, or four-family house or  
509 dwelling unit that is rented to guests for periods of less than  
510 6 months.

511 Section 10. Paragraph (a) of subsection (2), paragraph (c)  
512 of subsection (3), and subsection (7) of section 509.032,  
513 Florida Statutes, are amended to read:

514 509.032 Duties.—

515 (2) INSPECTION OF PREMISES.—

516 (a) The division has jurisdiction and is responsible for  
517 all inspections required by this chapter. The inspection of  
518 vacation rentals shall be done in accordance with part III of  
519 this chapter. The division is responsible for quality assurance.  
520 The division shall inspect each licensed public lodging



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521 establishment at least biannually, except for transient and  
522 nontransient apartments, which shall be inspected at least  
523 annually. Each establishment licensed by the division shall be  
524 inspected at such other times as the division determines is  
525 necessary to ensure the public's health, safety, and welfare.  
526 The division shall adopt by rule a risk-based inspection  
527 frequency for each licensed public food service establishment.  
528 The rule must require at least one, but not more than four,  
529 routine inspections that must be performed annually, and may  
530 include guidelines that consider the inspection and compliance  
531 history of a public food service establishment, the type of food  
532 and food preparation, and the type of service. The division  
533 shall reassess the inspection frequency of all licensed public  
534 food service establishments at least annually. Public lodging  
535 units classified as ~~vacation rentals or~~ timeshare projects are  
536 not subject to this requirement but shall be made available to  
537 the division upon request. If, during the inspection of a public  
538 lodging establishment classified for renting to transient or  
539 nontransient tenants, an inspector identifies vulnerable adults  
540 who appear to be victims of neglect, as defined in s. 415.102,  
541 or, in the case of a building that is not equipped with  
542 automatic sprinkler systems, tenants or clients who may be  
543 unable to self-preserve in an emergency, the division shall  
544 convene meetings with the following agencies as appropriate to  
545 the individual situation: the Department of Health, the  
546 Department of Elderly Affairs, the area agency on aging, the  
547 local fire marshal, the landlord and affected tenants and  
548 clients, and other relevant organizations, to develop a plan  
549 that improves the prospects for safety of affected residents



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550 and, if necessary, identifies alternative living arrangements  
551 such as facilities licensed under part II of chapter 400 or  
552 under chapter 429.  
553 (3) SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD SERVICE  
554 EVENTS.—The division shall:  
555 (c) Administer a public notification process for temporary  
556 food service events and distribute educational materials that  
557 address safe food storage, preparation, and service procedures.  
558 1. Sponsors of temporary food service events shall notify  
559 the division not less than 3 days before the scheduled event of  
560 the type of food service proposed, the time and location of the  
561 event, a complete list of food service vendors participating in  
562 the event, the number of individual food service facilities each  
563 vendor will operate at the event, and the identification number  
564 of each food service vendor's current license as a public food  
565 service establishment or temporary food service event licensee.  
566 Notification may be completed orally, by telephone, in person,  
567 or in writing. A public food service establishment or food  
568 service vendor may not use this notification process to  
569 circumvent the license requirements of this chapter.  
570 2. The division shall keep a record of all notifications  
571 received for proposed temporary food service events and shall  
572 provide appropriate educational materials to the event sponsors  
573 and notify the event sponsors of the availability of the food-  
574 recovery brochure developed under s. 595.420.  
575 3.a. Unless excluded under s. 509.013(9)(b) ~~or~~  
576 ~~509.013(5)(b)~~, a public food service establishment or other food  
577 service vendor must obtain one of the following classes of  
578 license from the division: an individual license, for a fee of



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579 no more than \$105, for each temporary food service event in  
580 which it participates; or an annual license, for a fee of no  
581 more than \$1,000, that entitles the licensee to participate in  
582 an unlimited number of food service events during the license  
583 period. The division shall establish license fees, by rule, and  
584 may limit the number of food service facilities a licensee may  
585 operate at a particular temporary food service event under a  
586 single license.

587 b. Public food service establishments holding current  
588 licenses from the division may operate under the regulations of  
589 such a license at temporary food service events.

590 (7) LOCAL REGULATION PREEMPTION AUTHORITY.—

591 (a) The regulation of public lodging establishments and  
592 public food service establishments, including, but not limited  
593 to, sanitation standards, inspections, training and testing of  
594 personnel, and matters related to the nutritional content and  
595 marketing of foods offered in such establishments, is preempted  
596 to the state. This paragraph does not preempt the authority of a  
597 local government or local enforcement district to conduct  
598 inspections of public lodging and public food service  
599 establishments for compliance with the Florida Building Code and  
600 the Florida Fire Prevention Code, pursuant to ss. 553.80 and  
601 633.206.

602 (b) 1. A local government may regulate activities that arise  
603 when a property is used as a vacation rental, provided such  
604 regulation applies uniformly to all residential properties  
605 without regard to whether the property is used as a vacation  
606 rental or as a long-term rental subject to part II of chapter 83  
607 or whether a property owner chooses not to rent the property.



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608 2. A local government may require a vacation rental owner  
609 to submit a copy of the vacation rental license required under  
610 this chapter, a copy of the certificate of registration required  
611 under s. 212.18, and the owner's emergency contact information.  
612 The submission of such documents and information is for  
613 informational purposes only. The local government may assess a  
614 reasonable fee for the submission and may assess fines for  
615 failure to comply. For the purposes of this subparagraph only, a  
616 vacation rental also includes any part of a unit in a  
617 condominium or cooperative or any individually or collectively  
618 owned single-family, two-family, three-family, or four-family  
619 house or dwelling unit that is rented to guests for periods of  
620 less than 6 months.

621 (c) A local law, ordinance, or regulation may not prohibit  
622 vacation rentals or regulate the duration or frequency of rental  
623 of vacation rentals. This paragraph does not apply to any local  
624 law, ordinance, or regulation adopted on or before June 1, 2011,  
625 including when such law, ordinance, or regulation is being  
626 amended to be less restrictive.

627 (d) (e) Paragraph (c) (e) does not apply to any local law,  
628 ordinance, or regulation exclusively relating to property  
629 valuation as a criterion for vacation rental if the local law,  
630 ordinance, or regulation is required to be approved by the state  
631 land planning agency pursuant to an area of critical state  
632 concern designation.

633 Section 11. Subsection (12) of section 159.27, Florida  
634 Statutes, is amended to read:

635 159.27 Definitions.—The following words and terms, unless  
636 the context clearly indicates a different meaning, shall have



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637 the following meanings:

638 (12) "Public lodging or restaurant facility" means property  
639 used for any public lodging establishment as defined in s.  
640 509.242 or public food service establishment as defined in s.  
641 509.013 ~~s. 509.013(5)~~ if it is part of the complex of, or  
642 necessary to, another facility qualifying under this part.

643 Section 12. Paragraph (jj) of subsection (7) of section  
644 212.08, Florida Statutes, is amended to read:

645 212.08 Sales, rental, use, consumption, distribution, and  
646 storage tax; specified exemptions.—The sale at retail, the  
647 rental, the use, the consumption, the distribution, and the  
648 storage to be used or consumed in this state of the following  
649 are hereby specifically exempt from the tax imposed by this  
650 chapter.

651 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any  
652 entity by this chapter do not inure to any transaction that is  
653 otherwise taxable under this chapter when payment is made by a  
654 representative or employee of the entity by any means,  
655 including, but not limited to, cash, check, or credit card, even  
656 when that representative or employee is subsequently reimbursed  
657 by the entity. In addition, exemptions provided to any entity by  
658 this subsection do not inure to any transaction that is  
659 otherwise taxable under this chapter unless the entity has  
660 obtained a sales tax exemption certificate from the department  
661 or the entity obtains or provides other documentation as  
662 required by the department. Eligible purchases or leases made  
663 with such a certificate must be in strict compliance with this  
664 subsection and departmental rules, and any person who makes an  
665 exempt purchase with a certificate that is not in strict



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666 compliance with this subsection and the rules is liable for and  
667 shall pay the tax. The department may adopt rules to administer  
668 this subsection.

669 (jj) *Complimentary meals*.—Also exempt from the tax imposed  
670 by this chapter are food or drinks that are furnished as part of  
671 a packaged room rate by any person offering for rent or lease  
672 any transient living accommodations as described in s.  
673 509.013(10)(a) ~~s. 509.013(4)(a)~~ which are licensed under part I  
674 of chapter 509 and which are subject to the tax under s. 212.03,  
675 if a separate charge or specific amount for the food or drinks  
676 is not shown. Such food or drinks are considered to be sold at  
677 retail as part of the total charge for the transient living  
678 accommodations. Moreover, the person offering the accommodations  
679 is not considered to be the consumer of items purchased in  
680 furnishing such food or drinks and may purchase those items  
681 under conditions of a sale for resale.

682 Section 13. Paragraph (b) of subsection (4) of section  
683 316.1955, Florida Statutes, is amended to read:

684 316.1955 Enforcement of parking requirements for persons  
685 who have disabilities.—

686 (4)

687 (b) Notwithstanding paragraph (a), a theme park or ~~an~~  
688 entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~  
689 which provides parking in designated areas for persons who have  
690 disabilities may allow any vehicle that is transporting a person  
691 who has a disability to remain parked in a space reserved for  
692 persons who have disabilities throughout the period the theme  
693 park is open to the public for that day.

694 Section 14. Subsection (5) of section 404.056, Florida



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695 Statutes, is amended to read:

696 404.056 Environmental radiation standards and projects;  
697 certification of persons performing measurement or mitigation  
698 services; mandatory testing; notification on real estate  
699 documents; rules.—

700 (5) NOTIFICATION ON REAL ESTATE DOCUMENTS.—Notification  
701 shall be provided on at least one document, form, or application  
702 executed at the time of, or prior to, contract for sale and  
703 purchase of any building or execution of a rental agreement for  
704 any building. Such notification shall contain the following  
705 language:

706  
707 "RADON GAS: Radon is a naturally occurring radioactive gas  
708 that, when it has accumulated in a building in sufficient  
709 quantities, may present health risks to persons who are exposed  
710 to it over time. Levels of radon that exceed federal and state  
711 guidelines have been found in buildings in Florida. Additional  
712 information regarding radon and radon testing may be obtained  
713 from your county health department."

714  
715 The requirements of this subsection do not apply to any  
716 residential transient occupancy, as described in s. 509.013(17)  
717 ~~s. 509.013(12)~~, provided that such occupancy is 45 days or less  
718 in duration.

719 Section 15. Subsection (6) of section 477.0135, Florida  
720 Statutes, is amended to read:

721 477.0135 Exemptions.—

722 (6) A license is not required of any individual providing  
723 makeup or special effects services in a theme park or



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724 entertainment complex to an actor, stunt person, musician,  
725 extra, or other talent, or providing makeup or special effects  
726 services to the general public. The term "theme park or  
727 entertainment complex" has the same meaning as in s. 509.013 ~~or~~  
728 ~~509.013(9)~~.

729 Section 16. Subsection (1) of section 509.072, Florida  
730 Statutes, is amended to read:

731 509.072 Hotel and Restaurant Trust Fund; collection and  
732 disposition of moneys received.—

733 (1) There is created a Hotel and Restaurant Trust Fund to  
734 be used for the administration and operation of the division and  
735 the carrying out of all laws and rules under the jurisdiction of  
736 the division pertaining to the construction, maintenance, and  
737 operation of public lodging establishments, vacation rentals,  
738 and public food service establishments, including the inspection  
739 of elevators as required under chapter 399. All funds collected  
740 by the division and the amounts paid for licenses and fees shall  
741 be deposited in the State Treasury into the Hotel and Restaurant  
742 Trust Fund.

743 Section 17. Section 509.091, Florida Statutes, is amended  
744 to read:

745 509.091 Notices; form and service.—

746 (1) Each notice served by the division pursuant to this  
747 chapter must be in writing and must be delivered personally by  
748 an agent of the division or by registered letter to the operator  
749 of the public lodging establishment, vacation rental, or public  
750 food service establishment. If the operator refuses to accept  
751 service or evades service or the agent is otherwise unable to  
752 effect service after due diligence, the division may post such



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753 notice in a conspicuous place at the establishment.

754 (2) Notwithstanding subsection (1), the division may  
755 deliver lodging inspection reports and food service inspection  
756 reports to the operator of the public lodging establishment,  
757 vacation rental, or public food service establishment by  
758 electronic means.

759 Section 18. Section 509.095, Florida Statutes, is amended  
760 to read:

761 509.095 Accommodations at public lodging establishments or  
762 vacation rentals for individuals with a valid military  
763 identification card.—Upon the presentation of a valid military  
764 identification card by an individual who is currently on active  
765 duty as a member of the United States Armed Forces, National  
766 Guard, Reserve Forces, or Coast Guard, and who seeks to obtain  
767 accommodations at a hotel, motel, or bed and breakfast inn, as  
768 defined in s. 509.242, or vacation rental, such hotel, motel, ~~or~~  
769 bed and breakfast inn, or vacation rental shall waive any  
770 minimum age policy that it may have which restricts  
771 accommodations to individuals based on age. Duplication of a  
772 military identification card presented pursuant to this section  
773 is prohibited.

774 Section 19. Subsection (1) of section 509.101, Florida  
775 Statutes, is amended to read:

776 509.101 Establishment rules; posting of notice; food  
777 service inspection report; maintenance of guest register; mobile  
778 food dispensing vehicle registry.—

779 (1) Any operator of a public lodging establishment,  
780 vacation rental, or a public food service establishment may  
781 establish reasonable rules and regulations for the management of



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782 the establishment and its guests and employees; and each guest  
783 or employee staying, sojourning, eating, or employed in the  
784 establishment shall conform to and abide by such rules and  
785 regulations so long as the guest or employee remains in or at  
786 the establishment. Such rules and regulations shall be deemed to  
787 be a special contract between the operator and each guest or  
788 employee using the services or facilities of the operator. Such  
789 rules and regulations shall control the liabilities,  
790 responsibilities, and obligations of all parties. Any rules or  
791 regulations established pursuant to this section shall be  
792 printed in the English language and posted in a prominent place  
793 within such public lodging establishment, vacation rental, or  
794 public food service establishment. In addition, any operator of  
795 a public food service establishment shall maintain a copy of the  
796 latest food service inspection report and shall make it  
797 available to the division at the time of any division inspection  
798 of the establishment and to the public, upon request.

799 Section 20. Section 509.111, Florida Statutes, is amended  
800 to read:

801 509.111 Liability for property of guests.—

802 (1) The operator of a public lodging establishment or  
803 vacation rental is not under any obligation to accept for  
804 safekeeping any moneys, securities, jewelry, or precious stones  
805 of any kind belonging to any guest, and, if such are accepted  
806 for safekeeping, the operator is not liable for the loss thereof  
807 unless such loss was the proximate result of fault or negligence  
808 of the operator. However, the liability of the operator shall be  
809 limited to \$1,000 for such loss, if the public lodging  
810 establishment or vacation rental gave a receipt for the property



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811 (stating the value) on a form which stated, in type large enough  
812 to be clearly noticeable, that the public lodging establishment  
813 or vacation rental was not liable for any loss exceeding \$1,000  
814 and was only liable for that amount if the loss was the  
815 proximate result of fault or negligence of the operator.

816 (2) The operator of a public lodging establishment or  
817 vacation rental is not liable or responsible to any guest for  
818 the loss of wearing apparel, goods, or other property, except as  
819 provided in subsection (1), unless such loss occurred as the  
820 proximate result of fault or negligence of such operator, and,  
821 in case of fault or negligence, the operator is not liable for a  
822 greater sum than \$500, unless the guest, before ~~prior to~~ the  
823 loss or damage, files with the operator an inventory of the  
824 guest's effects and the value thereof and the operator is given  
825 the opportunity to inspect such effects and check them against  
826 such inventory. The operator of a public lodging establishment  
827 or vacation rental is not liable or responsible to any guest for  
828 the loss of effects listed in such inventory in a total amount  
829 exceeding \$1,000.

830 Section 21. Section 509.141, Florida Statutes, is amended  
831 to read:

832 509.141 Refusal of admission and ejection of undesirable  
833 guests; notice; procedure; penalties for refusal to leave.—

834 (1) The operator of any public lodging establishment,  
835 vacation rental, or public food service establishment may remove  
836 or cause to be removed from such establishment, in the manner  
837 hereinafter provided, any guest of the establishment who, while  
838 on the premises of the establishment, illegally possesses or  
839 deals in controlled substances as defined in chapter 893 or is



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840 intoxicated, profane, lewd, or brawling; who indulges in any  
841 language or conduct which disturbs the peace and comfort of  
842 other guests or which injures the reputation, dignity, or  
843 standing of the establishment; who, in the case of a public  
844 lodging establishment or vacation rental, fails to make payment  
845 of rent at the agreed-upon rental rate by the agreed-upon  
846 checkout time; who, in the case of a public lodging  
847 establishment or vacation rental, fails to check out by the time  
848 agreed upon in writing by the guest and public lodging  
849 establishment or vacation rental at check-in unless an extension  
850 of time is agreed to by the public lodging establishment or  
851 vacation rental and guest before ~~prior to~~ checkout; who, in the  
852 case of a public food service establishment, fails to make  
853 payment for food, beverages, or services; or who, in the opinion  
854 of the operator, is a person the continued entertainment of whom  
855 would be detrimental to such establishment. The admission to, or  
856 the removal from, such establishment may shall not be based upon  
857 race, creed, color, sex, physical disability, or national  
858 origin.

859 (2) The operator of any public lodging establishment,  
860 vacation rental, or public food service establishment shall  
861 notify such guest that the establishment no longer desires to  
862 entertain the guest and shall request that such guest  
863 immediately depart from the establishment. Such notice may be  
864 given orally or in writing. If the notice is in writing, it  
865 shall be as follows:  
866

867 "You are hereby notified that this establishment no longer  
868 desires to entertain you as its guest, and you are requested to



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869 leave at once. To remain after receipt of this notice is a  
870 misdemeanor under the laws of this state.”

871  
872 If such guest has paid in advance, the establishment shall, at  
873 the time such notice is given, tender to such guest the unused  
874 portion of the advance payment; however, the establishment may  
875 withhold payment for each full day that the guest has been  
876 entertained at the establishment for any portion of the 24-hour  
877 period of such day.

878 (3) Any guest who remains or attempts to remain in any such  
879 establishment after being requested to leave ~~commits is guilty~~  
880 of a misdemeanor of the second degree, punishable as provided in  
881 s. 775.082 or s. 775.083.

882 (4) If any person is illegally on the premises of any  
883 public lodging establishment, vacation rental, or public food  
884 service establishment, the operator of such establishment may  
885 call upon any law enforcement officer of this state for  
886 assistance. It is the duty of such law enforcement officer, upon  
887 the request of such operator, to place under arrest and take  
888 into custody for violation of this section any guest who  
889 violates subsection (3) in the presence of the officer. If a  
890 warrant has been issued by the proper judicial officer for the  
891 arrest of any violator of subsection (3), the officer shall  
892 serve the warrant, arrest the person, and take the person into  
893 custody. Upon arrest, with or without warrant, the guest will be  
894 deemed to have given up any right to occupancy or to have  
895 abandoned such right of occupancy of the premises, and the  
896 operator of the establishment may then make such premises  
897 available to other guests. However, the operator of the



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898 establishment shall employ all reasonable and proper means to  
899 care for any personal property which may be left on the premises  
900 by such guest and shall refund any unused portion of moneys paid  
901 by such guest for the occupancy of such premises.

902 Section 22. Section 509.142, Florida Statutes, is amended  
903 to read:

904 509.142 Conduct on premises; refusal of service.—The  
905 operator of a public lodging establishment, vacation rental, or  
906 public food service establishment may refuse accommodations or  
907 service to any person whose conduct on the premises of the  
908 establishment displays intoxication, profanity, lewdness, or  
909 brawling; who indulges in language or conduct such as to disturb  
910 the peace or comfort of other guests; who engages in illegal or  
911 disorderly conduct; who illegally possesses or deals in  
912 controlled substances as defined in chapter 893; or whose  
913 conduct constitutes a nuisance. Such refusal may not be based  
914 upon race, creed, color, sex, physical disability, or national  
915 origin.

916 Section 23. Section 509.144, Florida Statutes, is amended  
917 to read:

918 509.144 Prohibited handbill distribution in a public  
919 lodging establishment or vacation rental; penalties.—

920 (1) As used in this section, the term:

921 (a) “Handbill” means a flier, leaflet, pamphlet, or other  
922 written material that advertises, promotes, or informs persons  
923 about a person, business, company, or food service establishment  
924 but does not include employee communications permissible under  
925 the National Labor Relations Act, other communications protected  
926 by the First Amendment to the United States Constitution, or



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927 communications about public health, safety, or welfare  
928 distributed by a federal, state, or local governmental entity or  
929 a public or private utility.

930 (b) "Without permission" means without the expressed  
931 written permission of the owner, manager, or agent of the owner  
932 or manager of the public lodging establishment or vacation  
933 rental where a sign is posted prohibiting advertising or  
934 solicitation in the manner provided in subsection (5).

935 (c) "At or in a public lodging establishment or vacation  
936 rental" means any property under the sole ownership or control  
937 of a public lodging establishment or vacation rental.

938 (2) Any person, agent, contractor, or volunteer who is  
939 acting on behalf of a person, business, company, or food service  
940 establishment and who, without permission, delivers,  
941 distributes, or places, or attempts to deliver, distribute, or  
942 place, a handbill at or in a public lodging establishment or  
943 vacation rental commits a misdemeanor of the first degree,  
944 punishable as provided in s. 775.082 or s. 775.083.

945 (3) Any person who, without permission, directs another  
946 person to deliver, distribute, or place, or attempts to deliver,  
947 distribute, or place, a handbill at or in a public lodging  
948 establishment or vacation rental commits a misdemeanor of the  
949 first degree, punishable as provided in s. 775.082 or s.  
950 775.083. Any person sentenced under this subsection shall be  
951 ordered to pay a minimum fine of \$500 in addition to any other  
952 penalty imposed by the court.

953 (4) In addition to any penalty imposed by the court, a  
954 person who violates subsection (2) or subsection (3) must:

955 (a) ~~shall~~ Pay a minimum fine of \$2,000 for a second



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956 violation.

957 (b) ~~shall~~ Pay a minimum fine of \$3,000 for a third or  
958 subsequent violation.

959 (5) For purposes of this section, a public lodging  
960 establishment or vacation rental that intends to prohibit  
961 advertising or solicitation, as described in this section, at or  
962 in such establishment must comply with the following  
963 requirements when posting a sign prohibiting such solicitation  
964 or advertising:

965 (a) There must appear prominently on any sign referred to  
966 in this subsection, in letters of not less than 2 inches in  
967 height, the terms "no advertising" or "no solicitation" or terms  
968 that indicate the same meaning.

969 (b) The sign must be posted conspicuously.

970 (c) If the main office of a ~~the~~ public lodging  
971 establishment is immediately accessible by entering the office  
972 through a door from a street, parking lot, grounds, or other  
973 area outside such establishment, the sign must be placed on a  
974 part of the main office, such as a door or window, and the sign  
975 must face the street, parking lot, grounds, or other area  
976 outside such establishment.

977 (d) If the main office of a ~~the~~ public lodging  
978 establishment is not immediately accessible by entering the  
979 office through a door from a street, parking lot, grounds, or  
980 other area outside such establishment, the sign must be placed  
981 in the immediate vicinity of the main entrance to such  
982 establishment, and the sign must face the street, parking lot,  
983 grounds, or other area outside such establishment.

984 (6) Any personal property, including, but not limited to,



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985 any vehicle, item, object, tool, device, weapon, machine, money,  
986 security, book, or record, that is used or attempted to be used  
987 as an instrumentality in the commission of, or in aiding and  
988 abetting in the commission of, a person's third or subsequent  
989 violation of this section, whether or not comprising an element  
990 of the offense, is subject to seizure and forfeiture under the  
991 Florida Contraband Forfeiture Act.

992 Section 24. Subsections (1), (2), and (3) of section  
993 509.162, Florida Statutes, are amended to read:

994 509.162 Theft of personal property; detaining and arrest of  
995 violator; theft by employee.-

996 (1) Any law enforcement officer or operator of a public  
997 lodging establishment, vacation rental, or public food service  
998 establishment who has probable cause to believe that theft of  
999 personal property belonging to such establishment has been  
1000 committed by a person and that the officer or operator can  
1001 recover such property or the reasonable value thereof by taking  
1002 the person into custody may, for the purpose of attempting to  
1003 effect such recovery or for prosecution, take such person into  
1004 custody on the premises and detain such person in a reasonable  
1005 manner and for a reasonable period of time. If the operator  
1006 takes the person into custody, a law enforcement officer shall  
1007 be called to the scene immediately. The taking into custody and  
1008 detention by a law enforcement officer or operator of a public  
1009 lodging establishment, vacation rental, or public food service  
1010 establishment, if done in compliance with this subsection, does  
1011 not render such law enforcement officer or operator criminally  
1012 or civilly liable for false arrest, false imprisonment, or  
1013 unlawful detention.



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1014 (2) Any law enforcement officer may arrest, either on or  
1015 off the premises and without warrant, any person if there is  
1016 probable cause to believe that person has committed theft in a  
1017 public lodging establishment, vacation rental, or ~~in a~~ public  
1018 food service establishment.

1019 (3) Any person who resists the reasonable effort of a law  
1020 enforcement officer or operator of a public lodging  
1021 establishment, vacation rental, or public food service  
1022 establishment to recover property which the law enforcement  
1023 officer or operator had probable cause to believe had been  
1024 stolen from the public lodging establishment, vacation rental,  
1025 or public food service establishment, and who is subsequently  
1026 found to be guilty of theft of the subject property, is guilty  
1027 of a misdemeanor of the first degree, punishable as provided in  
1028 s. 775.082 or s. 775.083, unless such person did not know, or  
1029 did not have reason to know, that the person seeking to recover  
1030 the property was a law enforcement officer or the operator. For  
1031 purposes of this section, the charge of theft and the charge of  
1032 resisting apprehension may be tried concurrently.

1033 Section 25. Section 509.2015, Florida Statutes, is amended  
1034 to read:

1035 509.2015 Telephone surcharges by public lodging  
1036 establishments and vacation rentals.-

1037 (1) A public lodging establishment or vacation rental that  
1038 ~~which~~ imposes a surcharge for any telephone call must post  
1039 notice of such surcharge in a conspicuous place located by each  
1040 telephone from which a call which is subject to a surcharge may  
1041 originate. Such notice must be plainly visible and printed on a  
1042 sign that is not less than 3 inches by 5 inches in size, and



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1043 such notice shall clearly state if the surcharge applies whether  
1044 or not the telephone call has been attempted or completed.

1045 (2) The division may, pursuant to s. 509.261 or s. 509.606,  
1046 suspend or revoke the license of, or impose a fine against, any  
1047 public lodging establishment or vacation rental that violates  
1048 subsection (1).

1049 Section 26. Subsections (1), (2), and (3) of section  
1050 509.211, Florida Statutes, are amended to read:

1051 509.211 Safety regulations.—

1052 (1) Each bedroom or apartment in each public lodging  
1053 establishment or vacation rental must shall be equipped with an  
1054 approved locking device on each door opening to the outside, to  
1055 an adjoining room or apartment, or to a hallway.

1056 (2) (a) It is unlawful for any person to use within any  
1057 public lodging establishment, vacation rental, or public food  
1058 service establishment any fuel-burning wick-type equipment for  
1059 space heating unless such equipment is vented so as to prevent  
1060 the accumulation of toxic or injurious gases or liquids.

1061 (b) Any person who violates ~~the provisions of~~ paragraph (a)  
1062 commits a misdemeanor of the second degree, punishable as  
1063 provided in s. 775.082 or s. 775.083.

1064 (3) Each public lodging establishment or vacation rental  
1065 that is three or more stories in height must have safe and  
1066 secure railings on all balconies, platforms, and stairways, and  
1067 all such railings must be properly maintained and repaired. The  
1068 division may impose administrative sanctions for violations of  
1069 this subsection pursuant to s. 509.261.

1070 Section 27. Section 509.2112, Florida Statutes, is amended  
1071 to read:



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1072 509.2112 Public lodging establishments and vacation rentals  
1073 three stories or more in height; inspection rules.—The Division  
1074 of Hotels and Restaurants of the Department of Business and  
1075 Professional Regulation is directed to provide rules to require  
1076 that:

1077 (1) Every public lodging establishment or vacation rental  
1078 that is three stories or more in height in the state file a  
1079 certificate stating that any and all balconies, platforms,  
1080 stairways, and railways have been inspected by a person  
1081 competent to conduct such inspections and are safe, secure, and  
1082 free of defects.

1083 (2) The information required under subsection (1) be filed  
1084 commencing January 1, 1991, and every 3 years thereafter, with  
1085 the Division of Hotels and Restaurants and the applicable county  
1086 or municipal authority responsible for building and zoning  
1087 permits.

1088 (3) If a public lodging establishment or vacation rental  
1089 that is three or more stories in height fails to file the  
1090 information required in subsection (1), the Division of Hotels  
1091 and Restaurants shall impose administrative sanctions pursuant  
1092 to s. 509.261.

1093 Section 28. Subsections (2) and (3), paragraph (a) of  
1094 subsection (4), and subsection (6) of section 509.215, Florida  
1095 Statutes, are amended to read:

1096 509.215 Firesafety.—

1097 (2) Any public lodging establishment or vacation rental, as  
1098 defined in this chapter, which is of three stories or more and  
1099 for which the construction contract was let before October 1,  
1100 1983, shall be equipped with:



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- 1101 (a) A system which complies with subsection (1); or  
1102 (b) An approved sprinkler system for all interior  
1103 corridors, public areas, storage rooms, closets, kitchen areas,  
1104 and laundry rooms, less individual guest rooms, if the following  
1105 conditions are met:
- 1106 1. There is a minimum 1-hour separation between each guest  
1107 room and between each guest room and a corridor.
- 1108 2. The building is constructed of noncombustible materials.
- 1109 3. The egress conditions meet the requirements of s. 5-3 of  
1110 the Life Safety Code, NFPA 101.
- 1111 4. The building has a complete automatic fire detection  
1112 system which meets the requirements of NFPA-72A and NFPA-72E,  
1113 including smoke detectors in each guest room individually  
1114 annunciating to a panel at a supervised location.
- 1115 (3) Notwithstanding any other provision of law to the  
1116 contrary, this section applies only to those public lodging  
1117 establishments and vacation rentals in a building wherein more  
1118 than 50 percent of the units in the building are advertised or  
1119 held out to the public as available for transient occupancy.
- 1120 (4) (a) Special exception to the provisions of this section  
1121 shall be made for a public lodging establishment or vacation  
1122 rental structure that is individually listed in the National  
1123 Register of Historic Places pursuant to the National Historic  
1124 Preservation Act of 1966, as amended; or is a contributing  
1125 property to a National Register-listed district; or is  
1126 designated as a historic property, or as a contributing property  
1127 to a historic district under the terms of a local preservation  
1128 ordinance.
- 1129 (6) Specialized smoke detectors for the deaf and hearing



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- 1130 impaired shall be available upon request by guests in public  
1131 lodging establishments or vacation rentals at a rate of at least  
1132 one such smoke detector per 50 dwelling units or portions  
1133 thereof, not to exceed five such smoke detectors per public  
1134 lodging facility.
- 1135 Section 29. Paragraph (b) of subsection (2) and subsection  
1136 (9) of section 509.221, Florida Statutes, are amended to read:  
1137 509.221 Sanitary regulations.—  
1138 (2)  
1139 (b) Within a theme park or entertainment complex as defined  
1140 in s. 509.013 ~~s. 509.013(9)~~, the bathrooms are not required to  
1141 be in the same building as the public food service  
1142 establishment, so long as they are reasonably accessible.
- 1143 (9) Subsections (2), (5), and (6) do not apply to any  
1144 facility or unit classified as a ~~vacation rental~~, nontransient  
1145 apartment, or timeshare project as described in s. 509.242(1)(c)  
1146 and (f) ~~s. 509.242(1)(e), (d), and (g)~~.
- 1147 Section 30. Subsection (2) of section 509.241, Florida  
1148 Statutes, is amended to read:  
1149 509.241 Licenses required; exceptions.—  
1150 (2) APPLICATION FOR LICENSE.—Each person who plans to open  
1151 a public lodging establishment or a public food service  
1152 establishment shall apply for and receive a license from the  
1153 division ~~before~~ ~~prior to~~ the commencement of operation. A  
1154 condominium association, as defined in s. 718.103, which does  
1155 not own any units classified as a timeshare project ~~vacation~~  
1156 ~~rentals or timeshare projects~~ under s. 509.242(1)(f) or as a  
1157 vacation rental ~~s. 509.242(1)(e) or (g)~~ is not required to apply  
1158 for or receive a public lodging establishment license.



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1159 Section 31. Subsection (1) of section 509.242, Florida  
1160 Statutes, is amended to read:

1161 509.242 Public lodging establishments; classifications.—

1162 (1) A public lodging establishment ~~is shall be~~ classified  
1163 as a hotel, motel, nontransient apartment, transient apartment,  
1164 bed and breakfast inn, or timeshare project, ~~or vacation rental~~  
1165 if the establishment satisfies the following criteria:

1166 (a) *Hotel*.—A hotel is any public lodging establishment  
1167 containing sleeping room accommodations for 25 or more guests  
1168 and providing the services generally provided by a hotel and  
1169 recognized as a hotel in the community in which it is situated  
1170 or by the industry.

1171 (b) *Motel*.—A motel is any public lodging establishment  
1172 which offers rental units with an exit to the outside of each  
1173 rental unit, daily or weekly rates, offstreet parking for each  
1174 unit, a central office on the property with specified hours of  
1175 operation, a bathroom or connecting bathroom for each rental  
1176 unit, and at least six rental units, and which is recognized as  
1177 a motel in the community in which it is situated or by the  
1178 industry.

1179 (c) ~~Vacation rental. A vacation rental is any unit or group~~  
1180 ~~of units in a condominium or cooperative or any individually or~~  
1181 ~~collectively owned single-family, two-family, three-family, or~~  
1182 ~~four-family house or dwelling unit that is also a transient~~  
1183 ~~public lodging establishment but that is not a timeshare~~  
1184 ~~project.~~

1185 ~~(d)~~ *Nontransient apartment*.—A nontransient apartment is a  
1186 building or complex of buildings in which 75 percent or more of  
1187 the units are available for rent to nontransient tenants.



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1188 ~~(d)~~ ~~(e)~~ *Transient apartment*.—A transient apartment is a  
1189 building or complex of buildings in which more than 25 percent  
1190 of the units are advertised or held out to the public as  
1191 available for transient occupancy.

1192 ~~(e)~~ ~~(f)~~ *Bed and breakfast inn*.—A bed and breakfast inn is a  
1193 family home structure, with no more than 15 sleeping rooms,  
1194 which has been modified to serve as a transient public lodging  
1195 establishment, which provides the accommodation and meal  
1196 services generally offered by a bed and breakfast inn, and which  
1197 is recognized as a bed and breakfast inn in the community in  
1198 which it is situated or by the hospitality industry.

1199 ~~(f)~~ ~~(g)~~ *Timeshare project*.—A timeshare project is a  
1200 timeshare property, as defined in chapter 721, that is located  
1201 in this state and that is also a transient public lodging  
1202 establishment.

1203 Section 32. Subsection (1) of section 509.251, Florida  
1204 Statutes, is amended to read:

1205 509.251 License fees.—

1206 (1) The division shall adopt, by rule, a schedule of fees  
1207 to be paid by each public lodging establishment as a  
1208 prerequisite to issuance or renewal of a license. Such fees  
1209 shall be based on the number of rental units in the  
1210 establishment. The aggregate fee per establishment charged any  
1211 public lodging establishment may not exceed \$1,000; however, the  
1212 fees described in paragraphs (a) and (b) may not be included as  
1213 part of the aggregate fee subject to this cap. ~~Vacation rental~~  
1214 ~~units or~~ Timeshare projects within separate buildings or at  
1215 separate locations but managed by one licensed agent may be  
1216 combined in a single license application, and the division shall



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1217 charge a license fee as if all units in the application are in a  
1218 single licensed establishment. The fee schedule shall require an  
1219 establishment which applies for an initial license to pay the  
1220 full license fee if application is made during the annual  
1221 renewal period or more than 6 months before the next such  
1222 renewal period and one-half of the fee if application is made 6  
1223 months or less before such period. The fee schedule shall  
1224 include fees collected for the purpose of funding the  
1225 Hospitality Education Program, pursuant to s. 509.302, which are  
1226 payable in full for each application regardless of when the  
1227 application is submitted.

1228 (a) Upon making initial application or an application for  
1229 change of ownership, the applicant shall pay to the division a  
1230 fee as prescribed by rule, not to exceed \$50, in addition to any  
1231 other fees required by law, which shall cover all costs  
1232 associated with initiating regulation of the establishment.

1233 (b) A license renewal filed with the division after the  
1234 expiration date shall be accompanied by a delinquent fee as  
1235 prescribed by rule, not to exceed \$50, in addition to the  
1236 renewal fee and any other fees required by law.

1237 Section 33. Subsection (1) of section 509.281, Florida  
1238 Statutes, is amended to read:

1239 509.281 Prosecution for violation; duty of state attorney;  
1240 penalties.-

1241 (1) The division or an agent of the division, upon  
1242 ascertaining by inspection that any public lodging  
1243 establishment, vacation rental, or public food service  
1244 establishment is being operated contrary to the provisions of  
1245 this chapter, shall make complaint and cause the arrest of the



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1246 violator, and the state attorney, upon request of the division  
1247 or agent, shall prepare all necessary papers and conduct the  
1248 prosecution. The division shall proceed in the courts by  
1249 mandamus or injunction whenever such proceedings may be  
1250 necessary to the proper enforcement of the provisions of this  
1251 chapter, of the rules adopted pursuant hereto, or of orders of  
1252 the division.

1253 Section 34. Paragraph (a) of subsection (2) of section  
1254 509.302, Florida Statutes, is amended to read:

1255 509.302 Hospitality Education Program.-

1256 (2) (a) All public lodging establishments, ~~and all~~ public  
1257 food service establishments, and vacation rentals licensed under  
1258 this chapter shall pay an annual fee of no more than \$10, which  
1259 shall be included in the annual license fee and used for the  
1260 sole purpose of funding the Hospitality Education Program.

1261 Section 35. Section 509.4005, Florida Statutes, is amended  
1262 to read:

1263 509.4005 Applicability of ss. 509.401-509.417.-Sections  
1264 509.401-509.417 apply only to guests in transient occupancy in a  
1265 public lodging establishment or vacation rental.

1266 Section 36. Subsection (1) of section 509.401, Florida  
1267 Statutes, is amended to read:

1268 509.401 Operator's right to lockout.-

1269 (1) If, upon a reasonable determination by an operator of a  
1270 public lodging establishment or vacation rental, a guest has  
1271 accumulated a large outstanding account at such establishment,  
1272 the operator may lock the guest out of the guest's rental unit  
1273 for the purpose of requiring the guest to confront the operator  
1274 and arrange for payment on the account. Such arrangement must be



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1275 in writing, and a copy must be furnished to the guest.

1276 Section 37. Section 509.402, Florida Statutes, is amended  
1277 to read:

1278 509.402 Operator's right to recover premises.—If the guest  
1279 of a public lodging establishment or vacation rental vacates the  
1280 premises without notice to the operator and the operator  
1281 reasonably believes the guest does not intend to satisfy the  
1282 outstanding account, the operator may recover the premises. Upon  
1283 recovery of the premises, the operator shall make an itemized  
1284 inventory of any property belonging to the guest and store such  
1285 property until a settlement or a final court judgment is  
1286 obtained on the guest's outstanding account. Such inventory  
1287 shall be conducted by the operator and at least one other person  
1288 who is not an agent of the operator.

1289 Section 38. Subsections (1) and (2) of section 509.405,  
1290 Florida Statutes, are amended to read:

1291 509.405 Complaint; requirements.—To obtain an order  
1292 authorizing the issuance of a writ of distress upon final  
1293 judgment, the operator must first file with the clerk of the  
1294 court a complaint reciting and showing the following  
1295 information:

1296 (1) A statement as to the amount of the guest's account at  
1297 the public lodging establishment or vacation rental.

1298 (2) A statement that the plaintiff is the operator of the  
1299 public lodging establishment or vacation rental in which the  
1300 guest has an outstanding account. If the operator's interest in  
1301 such account is based on written documents, a copy of such  
1302 documents shall be attached to the complaint.

1303 Section 39. Section 509.409, Florida Statutes, is amended



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1304 to read:

1305 509.409 Writ; inventory.—When the officer seizes  
1306 distrainable property, either under s. 509.407 or s. 509.408,  
1307 and such property is seized on the premises of a public lodging  
1308 establishment or vacation rental, the officer shall inventory  
1309 the property, hold those items which, upon appraisal, would  
1310 appear to satisfy the plaintiff's claim, and return the  
1311 remaining items to the defendant. If the defendant cannot be  
1312 found, the officer shall hold all items of property. The officer  
1313 shall release the property only pursuant to law or a court  
1314 order.

1315 Section 40. Subsection (2) of section 509.417, Florida  
1316 Statutes, is amended to read:

1317 509.417 Writ; sale of property distrained.—

1318 (2) At the time any property levied on is sold, it must be  
1319 advertised two times, the first advertisement being at least 10  
1320 days before the sale. All property so levied on may be sold on  
1321 the premises of the public lodging establishment or the vacation  
1322 rental or at the courthouse door.

1323 Section 41. Paragraph (b) of subsection (5) of section  
1324 553.5041, Florida Statutes, is amended to read:

1325 553.5041 Parking spaces for persons who have disabilities.—

1326 (5) Accessible perpendicular and diagonal accessible  
1327 parking spaces and loading zones must be designed and located to  
1328 conform to ss. 502 and 503 of the standards.

1329 (b) If there are multiple entrances or multiple retail  
1330 stores, the parking spaces must be dispersed to provide parking  
1331 at the nearest accessible entrance. If a theme park or an  
1332 entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~



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1333 provides parking in several lots or areas from which access to  
1334 the theme park or entertainment complex is provided, a single  
1335 lot or area may be designated for parking by persons who have  
1336 disabilities, if the lot or area is located on the shortest  
1337 accessible route to an accessible entrance to the theme park or  
1338 entertainment complex or to transportation to such an accessible  
1339 entrance.

1340 Section 42. Section 717.1355, Florida Statutes, is amended  
1341 to read:

1342 717.1355 Theme park and entertainment complex tickets.—This  
1343 chapter does not apply to any tickets for admission to a theme  
1344 park or entertainment complex as defined in s. 509.013 ~~s.~~  
1345 ~~509.013(9)~~, or to any tickets to a permanent exhibition or  
1346 recreational activity within such theme park or entertainment  
1347 complex.

1348 Section 43. Subsection (8) of section 877.24, Florida  
1349 Statutes, is amended to read:

1350 877.24 Nonapplication of s. 877.22.—Section 877.22 does not  
1351 apply to a minor who is:

1352 (8) Attending an organized event held at and sponsored by a  
1353 theme park or entertainment complex as defined in s. 509.013 ~~s.~~  
1354 ~~509.013(9)~~.

1355 Section 44. This act shall take effect July 1, 2018.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: CS/SB's 1400 & 1640

INTRODUCER: Community Affairs Committee and Senators Steube and Simmons

SUBJECT: Vacation Rentals

DATE: January 31, 2018

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cochran	Yeatman	CA	<b>Fav/Combined CS</b>
2.			RI	
3.			AP	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1400/SB 1640 creates the "Florida Vacation Rental Act" within part III of Chapter 509, F.S., explicitly preempting the regulation of vacation rentals to the state and separating the regulation of vacation rentals from the regulation of hotels and motels. The Division of Hotels and Restaurants (division) is provided with the authority to implement the act, including licensure and enforcement. The bill requires license applications to include an emergency contact telephone number. The bill requires a license number to be displayed in an advertisement for a unit. The bill regulates multiple unit vacation rentals and requires biannual inspections. The bill allows local governments to regulate activities that arise when a property is used as a vacation rental, provided the regulation applies uniformly to all residential properties. The bill grandfathers local regulations adopted before June 1, 2011.

**II. Present Situation:**

The Division of Hotels and Restaurants within the Department of Business and Professional Regulation (DBPR) is the state agency charged with enforcing the provisions of ch. 509, F.S., relating to the regulation of public lodging establishments and public food service establishments for the purpose of protecting the public health, safety, and welfare.

The term “public lodging establishments” includes transient and nontransient public lodging establishments.<sup>1</sup> The principal differences between transient and nontransient public lodging establishments are the number of times that the establishments are rented in a calendar year and the length of the rentals.

A “transient public lodging establishment” is defined in s. 509.013(4)(a)1., F.S., as:

any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

A “nontransient public lodging establishment” is defined in s. 509.013(4)(a)2., F.S., as:

any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests for periods of at least 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for periods of at least 30 days or 1 calendar month.

Section 509.013(4)(b), F.S., exempts the following types of establishments from the definition of “public lodging establishment”:

1. Any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students, faculty, or visitors.
2. Any facility certified or licensed and regulated by the Agency for Health Care Administration or the Department of Children and Families or other similar place regulated under s. 381.0072, F.S.;
3. Any place renting four rental units or less, unless the rental units are advertised or held out to the public to be places that are regularly rented to transients;
4. Any unit or group of units in a condominium, cooperative, or timeshare plan and any individually or collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit that is rented for periods of at least 30 days or 1 calendar month, whichever is less, and that is not advertised or held out to the public as a place regularly rented for periods of less than 1 calendar month, provided that no more than four rental units within a single complex of buildings are available for rent;
5. Any migrant labor camp or residential migrant housing permitted by the Department of Health under ss. 381.008-381.00895, F.S.;
6. Any establishment inspected by the Department of Health and regulated by ch. 513 F.S.;
7. Any nonprofit organization that operates a facility providing housing only to patients, patients’ families, and patients’ caregivers and not to the general public.

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<sup>1</sup> Section 509.013(4)(a), F.S.

8. Any apartment building inspected by the United States Department of Housing and Urban Development or other entity acting on the department's behalf that is designated primarily as housing for persons at least 62 years of age. The division may require the operator of the apartment building to attest in writing that such building meets the criteria provided in this subparagraph. The division may adopt rules to implement this requirement; and
9. Any roominghouse, boardinghouse, or other living or sleeping facility that may not be classified as a hotel, motel, timeshare project, vacation rental, nontransient apartment, bed and breakfast inn, or transient apartment under s. 509.242, F.S.

Public lodging establishments are classified as a hotel, motel, vacation rental, nontransient apartment, transient apartment, bed and breakfast inn, or timeshare project.<sup>2</sup>

A "vacation rental" is defined in s. 509.242(1)(c), F.S., as:

any unit or group of units in a condominium, cooperative, or timeshare plan or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is also a transient public lodging establishment but is not a timeshare project.

The department licenses vacation rentals as condominiums, dwellings, or timeshare projects.<sup>3</sup> The division may issue a vacation rental license for "a single-family house, a townhouse, or a unit or group of units in a duplex, triplex, quadruplex, or other dwelling unit that has four or less units collectively."<sup>4</sup>

The 41,931 public lodging establishments licensed by the division are distributed as follows:<sup>5</sup>

- Hotels – 1,916 licenses;
- Motels – 2,600 licenses;
- Nontransient apartments – 18,008 licenses;
- Transient apartments – 895 licenses;
- Bed and Breakfast Inns – 259 licenses;
- Vacation rental condominiums – 5,037 licenses;
- Vacation rental dwellings – 13,196 licenses; and
- Vacation rental timeshare projects – 20 licenses.

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<sup>2</sup> Section 509.242(1), F.S.

<sup>3</sup> Fla. Admin. Code R. 61C-1.002(4)(a)1.

<sup>4</sup> The division further classifies a vacation rental license as a single, group, or collective license. See Fla. Admin. Code R. 61C-1.002(4)(a)1. A single license may include one single-family house or townhouse, or a unit or group of units within a single building that are owned and operated by the same individual person or entity. A group license is a license issued by the division to a licensed agent to cover all units within a building or group of buildings in a single complex. A collective license is a license issued by the division to a licensed agent who represents a collective group of houses or units found on separate locations not to exceed 75 houses per license.

<sup>5</sup> *Division of Hotels and Restaurants Annual Report for FY 2016-2017*, Department of Business and Professional Regulation. A copy of the report is available at: [http://www.myfloridalicense.com/dbpr/hr/reports/annualreports/documents/ar2016\\_17.pdf](http://www.myfloridalicense.com/dbpr/hr/reports/annualreports/documents/ar2016_17.pdf) (Last visited January 24, 2018).

## Inspections of Vacation Rentals

The division must inspect each licensed public lodging establishment at least biannually, but transient and nontransient apartments must be inspected at least annually. However, the division is not required to inspect vacation rentals, but vacation rentals must be available for inspection upon a request by the division.<sup>6</sup> The division inspects a vacation rental in response to a consumer complaint related to sanitation issues or unlicensed activity. In Fiscal Year 2016-2017, the division received 457 consumer complaints regarding vacation rentals and inspected the vacation rentals.<sup>7</sup>

## Preemption

Section 509.032(7)(a), F.S., provides that “the regulation of public lodging establishments and public food service establishments, including, but not limited to, sanitation standards, inspections, training and testing of personnel, and matters related to the nutritional content and marketing of foods offered in such establishments, is preempted to the state.”

Section 509.032(7)(b), F.S., prohibits local laws, ordinances, or regulations that prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. However, this prohibition does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.

Section 509.032(7)(c), F.S., provides that the prohibition in s. 509.032(7)(b), F.S., does not apply to local laws, ordinances, or regulations exclusively relating to property valuation as a criterion for vacation rental if the law, ordinance or regulation is required to be approved by the state land planning agency pursuant to an area of critical state concern designation.<sup>8</sup>

## Legislative History

In 2011, the Legislature preempted vacation rental regulation to the state. The preemption prevented local governments from enacting any law, ordinance, or regulation that:

- Restricted the use of vacation rentals;
- Prohibited vacation rentals; or
- Regulated vacation rentals based solely on their classification, use, or occupancy.<sup>9</sup>

This legislation grandfathered any local law, ordinance, or regulation that was enacted by a local government on or before June 1, 2011.<sup>10</sup>

In 2014, the Legislature revised the preemption to its current form with an effective date of July 1, 2014.<sup>11</sup> Chapter 2014-71, Laws of Fla., amended s. 509.032(7)(b), F.S., and repealed the portions of the preemption of local laws, ordinances, and regulations which prohibited

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<sup>6</sup> Section 509.032(2)(a), F.S.

<sup>7</sup> See *supra* note 5, at 23.

<sup>8</sup> See s. 163.3164(43), F.S., provides that the state land planning agency is the Department of Economic Opportunity.

<sup>9</sup> Chapter 2011-119, Laws of Fla.

<sup>10</sup> *Id.*

<sup>11</sup> Chapter 2014-71, Laws of Fla.; codified in s. 509.032(7)(b), F.S.

“restrict[ing] the use of vacation rentals” and which prohibited regulating vacation rentals “based solely on their classification, use or occupancy.”<sup>12</sup>

### **Attorney General Opinion**

The office of the Attorney General issued an Informal Legal Opinion on October 22, 2013, regarding whether Flagler County could intercede and stop vacation rental operations in private homes that were zoned, prior to June 1, 2011, for single-family residential use.<sup>13</sup> According to the opinion, “due to an increase in the number of homes being used as vacation rentals in Flagler County, many permanent residents in neighborhoods with vacation rentals have raised concerns about the negative effects such rentals have on their quality of life and the character of their neighborhood.” Flagler County had no regulation governing vacation rentals before the grandfather date of June 1, 2011, in s. 509.032(7)(b), F.S. The Attorney General concluded that the county’s local zoning ordinance for single-family homes that predated June 1, 2011, did not restrict the rental of such property as a vacation rental and that the zoning ordinances could not now be interpreted to restrict vacation rentals.

A second advisory opinion was issued by the Attorney General on November 13, 2014, for the City of Wilton Manors concluding that s. 509.032(7)(b), F.S., does not permit the city to regulate the location of vacation rentals through zoning, and the city may not prohibit vacation rentals which fail to comply with the registration and licensing requirements in s. 509.241, F.S., which requires public lodging establishments to obtain a license from the division.<sup>14</sup>

In addition, the Attorney General issued a third advisory opinion on October 5, 2016, addressing whether a municipality could limit the spacing and concentration of vacation rentals through a proposed ordinance regarding vacation rentals.<sup>15</sup> The Attorney General concluded that the preemption in s. 509.032, F.S., allows local governments some regulation of vacation rentals, but prevents local governments from prohibiting vacation rentals. Consequently, the Attorney General noted that a municipality may not impose spacing or proportional regulations that would have the effect of preventing eligible housing from being used as a vacation rental.<sup>16</sup>

### **III. Effect of Proposed Changes:**

**Section 1** creates part III of chapter 509 to be entitled “Vacation Rentals.”

**Section 2** creates s. 509.601, F.S., to be named the Florida Vacation Rental Act.

**Section 3** creates s. 509.603, F.S., consisting of the legislative findings and purpose for a vacation rental act. The section preempts the regulation of vacation rentals to the state unless

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<sup>12</sup> *Id.*

<sup>13</sup> Florida Attorney General, Informal Legal Opinion to Mr. Albert Hadeed, Flagler County Attorney, regarding “Vacation Rental Operation-Local Ordinances,” dated October 22, 2013.

<sup>14</sup> Florida Attorney General, AGO 2014-09, Vacation Rentals - Municipalities - Land Use, November 13, 2014, available at: <http://www.myfloridalegal.com/ago.nsf/printview/5DFB7F27FB483C4685257D900050D65E>. (last visited January 24, 2018).

<sup>15</sup> Florida Attorney General, AGO 2016-12, Municipalities - Vacation Rentals - Zoning, October 5, 2016, available at: <http://www.myfloridalegal.com/ago.nsf/printview/3AF7050D48068C10852580440051386C> (last visited January 24, 2018).

<sup>16</sup> *Id.*

otherwise provided in chapter 509. The division is granted rulemaking authority to implement this part.

**Section 4** creates s. 509.604, F.S., preempting all licensing of vacation rentals to the state and requiring vacation rentals to obtain a nontransferable license. It shall be illegal to operate without a license. Licenses must be renewed annually, on a staggered schedule determined by the division. Licenses must be displayed prominently in the vacation rental. The division is authorized to deny licensure to applicants who have been adjudicated guilty of crimes reflecting poor professional character, including prostitution and pandering. The bill categorizes unlicensed activity as a second degree misdemeanor. The existing licensure and annual renewal provisions from s. 509.241, F.S., are maintained. The section also requires a license application to require the operator's emergency contact telephone number. The section requires the division to immediately issue a temporary license upon receipt of an application, allowing the property to begin use as a vacation rental while the application is pending.

**Section 5** creates s. 509.605, F.S., authorizing "licensed operators" to manage multiple units in a single license application. These units may be in separate buildings or locations. The division is directed to charge a fee for the application, though such fee is prohibited from exceeding \$1,000 per application. No geographic limitation is imposed in the bill, however the number of units that may be included in a single license application is capped at 75. In addition, the term "licensed operator" is not defined in ch. 509 or within the bill. The existing license fee provisions from s. 509.251, F.S., are maintained. The fees collected shall be directed to fund the Hospitality Education Program. In addition, the division is authorized to promulgate a rule regarding application fees. The fee for an application may not exceed \$50 per application and shall be used to cover all costs associated with initiating regulation of vacation rentals.

**Section 6** creates s. 509.6051, F.S., setting a maximum occupancy limit for vacation rentals. The limit is set at the lesser of four persons plus two additional persons for each sleeping room, or one person for each 150 square feet of finished area.

**Section 7** creates s. 509.606, F.S., specifying procedures for the revocation or suspension of licenses and fines. Fines may not exceed \$1,000 per offense, and the division is authorized to regard as a separate offense for each day or portion of day that a critical law or rule is violated. In addition, the division is required to post a prominent closed-for-operation sign on any vacation rental the license of which has been suspended or revoked. These procedures remain largely unchanged from s. 509.261, F.S., with the exception of removing the remedial food safety education penalty. All funds received by the division for administrative fines must be paid into the state treasury to the credit of the Hotel and Restaurant Trust Fund and may not be used for payment to any entity performing required inspections under contract with the division. The division may fine, suspend, or revoke the license of any vacation rental when the rental is not in compliance with the final order or other administrative action issued against the licensee by the division. The division may refuse to issue or renew a license until all outstanding fines are paid in full to the division. Revocable offenses include soliciting for prostitution, pandering, letting premises for prostitution, and dealing in controlled substances, or a determination by the division that a vacation rental is an imminent danger to the public health. Additionally, the division can fine, suspend, or revoke the license of any vacation rental when the advertisement for the vacation rental does not display the vacation rental license number.

**Section 8** creates s. 509.607, F.S., exempting vacation rentals from chapter 83 (landlord/tenant law) in the same manner as transient rentals. The bill additionally exempts persons or entities that rent or advertise vacation rentals for rent for another and for compensation from possessing a real estate sales associate or broker license.

**Section 9** creates s. 509.608, F.S., preempting the inspection of vacation rentals to the state. Inspections regarding vacation rentals are substantively unchanged from current law. The division has the right of entry and access to a vacation rental at any reasonable time. The division may not establish by rule any regulation governing the design, construction, erection, alteration, modification, repair, or demolition of any vacation rental. Vacation rentals must be made available to the division for inspections upon request. Upon discovery of a vulnerable adult appearing to be a victim of neglect, a building not equipped with automatic sprinkler systems, or tenants or clients who may be unable to self-preserve in an emergency, the division shall convene meetings with the following agencies as appropriate to the individual situation: Department of Elderly Affairs, the area agency on aging, the local fire marshal, the landlord and affected tenants or clients, and other relevant organizations, to develop a plan that improves prospects for safety of affected residents. Commercial vacation rentals must be inspected by the division at least biannually.

**Section 10** creates s. 509.609, F.S., to regulate multiple unit vacation rentals. When five or more vacation rentals in multifamily dwellings are under common ownership and any such vacation rental is rented out more than 180 days per year, such vacation rental is subject to the additional requirements of this section. These types of rentals are subject to the same inspection requirements as public lodging establishments under s. 509.032(2), F.S. Additionally, each year, the division must audit at least one percent of operators who are subject to this section to ensure compliance. This section does not apply to single-family houses.

**Section 11** amends s. 509.013, F.S., adding vacation rentals to the definitions of “operator,” “guest,” and excludes them from the definition of either a transient or nontransient public lodging establishment. This section adds a definition of “vacation rental” as any unit in a condominium or cooperative or any individually or collectively owned single family, two family, three family, or four family house or dwelling unit that is rented to guests for periods of less than 180 days but that is not a timeshare project.

**Section 12** amends s. 509.032, F.S., adding vacation rentals to the types of establishments governed by the division’s sanitation rules and reporting requirements. The section allows a local government to regulate activities that arise when a property is used as a vacation rental, provided the regulation applies uniformly to all residential properties. This section requires the division to make vacation rental license information available to the public and local governments, and local governments may only use the information for informational purposes. The section grandfathers regulations adopted before June 1, 2011.

**Sections 13, 14, 15, 16, and 17** are amended to correct cross-references.

**Section 18** amends s. 509.072, F.S. adding vacation rentals to the list of establishments that use moneys from the Hotel and Restaurant Trust Fund.

**Section 19** amends s. 509.091, F.S., adding vacation rentals to the list of establishments that must be served notice from the division.

**Section 20** amends s. 509.092, F.S., adding vacation rentals to the types of establishments that are private enterprises and have the right to refuse accommodations or service to anyone who is objectionable or undesirable to the operator, but refusal may not be based upon race, creed, color, sex, pregnancy, physical disability, or national origin.

**Section 21** amends s. 509.095, F.S., adding vacation rentals to the list of establishments that may waive an age requirement for an individual currently on active duty as a member of the U.S. military.

**Section 22** amends s. 509.101, F.S., adding vacation rentals to the list of establishments that may establish reasonable rules and regulations for the management of the establishment and its guests and employees. The section requires operators of transient establishments or vacation rentals to maintain a register of guests who occupy rental units within the establishment, showing the dates and rates charged. The register shall be maintained in chronological order and available for inspection by the division at any time.

**Section 23** amends s. 509.111, F.S., adding vacation rentals to the list of establishments in the "liability for property of guests" section of 509.

**Section 24** amends s. 509.141, F.S., adding vacation rentals to the list of establishments in the section on refusal of admission and ejection of undesirable guests.

**Section 25** amends s. 509.142, F.S., adding vacation rentals to the list of establishments that can refuse accommodations to any person whose conduct displays intoxication, profanity, lewdness, or brawling, and so on.

**Section 26** amends s. 509.144, F.S., adding vacation rentals to the list of establishments where handbill distribution is prohibited.

**Section 27** amends s. 509.162, F.S., adding vacation rentals to the list of establishments that are permitted to detain a suspected thief for a reasonable period.

**Section 28** amends s. 509.191, F.S., adding vacation rentals to the provision on unclaimed property. This section states that unclaimed property with an identifiable owner which is left in a vacation rental, other than property belonging to a guest who has vacated the premises without notice to the operator and with an outstanding account, which the property remains unclaimed after being held for 30 days shall become the property of the establishment. Property without an identifiable owner is subject to the provisions of chapter 705.

**Section 29** amends s. 509.2015, F.S., adding vacation rentals to the list of establishments that must post notice of a surcharge for telephone calls.

**Section 30** amends s. 509.211, F.S., adding vacation rentals to the list of establishments that must follow certain safety regulations.

**Section 31** amends s. 509.2112, F.S., regulating vacation rentals that are three stories or more in height and providing inspection rules.

**Section 32** amends s. 509.215, F.S., subjecting vacation rentals to the same firesafety requirements as public lodging establishments.

**Section 33** amends s. 509.221, F.S., subjecting vacation rentals to the sanitary regulations in s. 509.221, F.S., from which they were previously exempt. These include the public bathroom requirement, soap and towel requirements, and bedding requirements. This section also requires each vacation rental to be supplied with potable water. Finally, the section subjects vacation rentals to certain ventilation requirements already imposed on public lodging establishments.

**Section 34** amends s. 509.241, F.S., removing vacation rentals from certain license requirements due to inclusion of new requirements in part III of ch. 509, F.S.

**Section 35** amends s. 509.242, F.S., removes vacation rental from the classification of a public lodging establishment. Also deletes the former definition of vacation rental in s. 509.242, F.S.

**Section 36** amends s. 509.251, F.S., removes vacation rentals from the license fees section due to the creation of its own section in part III of ch. 509, F.S.

**Section 37** amends s. 509.281, F.S., providing that if the division ascertains by inspection that a vacation rental is being operated contrary to the provisions of ch. 509, F.S., the division shall make a complaint and cause the arrest of the violator.

**Section 38** amends s. 509.302, F.S., providing that all vacation rentals licensed under ch. 509, F.S., shall pay an annual fee to be used for funding the Hospitality Education Program.

**Section 39** amends s. 509.4005, F.S., applying ss. 509.401-509.417, F.S., to guests in vacation rentals.

**Section 40** amends s. 509.401, F.S., giving an operator of a vacation rental the right to lockout a guest if payment has not been made on the account.

**Section 41** amends s. 509.402, F.S., giving an operator of a vacation rental the right to recover premises if the guest vacates without notice.

**Section 42** amends s. 509.405, F.S., prescribing requirements for a complaint an operator must file when seeking a writ of distress.

**Section 43** amends s. 509.409, F.S., requiring an officer to inventory a property when seizing distrainable property on the premises of a vacation rental.

**Section 44** amends s. 509.417, F.S., allowing property levied to be sold on the premises of the vacation rental.

**Section 45, 46, and 47** are amended to correct cross-references.

**Section 48** provides an effective date of July 1, 2018.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Vacation rental operators may need to incur the cost of meeting requirements that weren't previously applicable.<sup>17</sup>

C. Government Sector Impact:

Revenue may increase with increased vacation rental licenses generating bed tax or other tourism taxes.<sup>18</sup> There may be an indeterminate increase in fines due more sanitation and safety requirements being applicable to vacation rental units.

The DBPR estimates one additional licensing staff member will be needed for every 15,000 new applications. More FTEs may also be required for an anticipated increase in consumer complaints. Additionally, for every 16,700 calls received, an additional Regulatory Specialist III FTE position is needed.<sup>19</sup>

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<sup>17</sup> Department of Business and Professional Regulation, Senate Bill 1400 Analysis (January 23, 2018).

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

An indeterminate increase in fines could be expected due to more sanitation and safety requirements being applicable to vacation rental units.<sup>20</sup>

#### **VI. Technical Deficiencies:**

None.

#### **VII. Related Issues:**

The DBPR notes that there may not be sufficient time to complete the rulemaking required by the bill due to the effective date of July 1, 2018. The bill may not provide the division with sufficient rulemaking authority to impose geographical limits for group and collective licenses. The absence of a geographical limit could result in one license covering 1,000 or more units throughout the state.<sup>21</sup>

Additionally, DBPR points out that the term “licensed operator” is not defined in ch. 509, F.S., or within the bill.<sup>22</sup>

Existing s. 509.261, F.S., and newly created s. 509.606, F.S., do not specify how long the signage must remain posted. This could result in an establishment that had its license revoked, or was determined to be operating without a license having to display the sign in perpetuity. Additionally, existing s. 509.261, F.S., and newly created s. 509.606, F.S., would create differing results based on the division’s staggered license renewal schedule because a revoked establishment can apply for a new license after their next renewal date.<sup>23</sup>

The bill may potentially conflict with s. 509.221(2)(a), F.S., which directs the division to adopt a rule establishing categories of establishments that are not subject to the s. 509.221(2), F.S., public bathroom requirement and with Section 455.3.2.2, 2017 Florida Building Code – Building, Sixth, which exempts resort condominiums and resort dwellings (now called vacation rentals) from public bathroom requirements. Rule 61C-1.004, F.A.C., currently excludes nontransient establishments, vacation rentals, and timeshare projects from the requirement. Given that vacation rental units are typically private residences, and thus restricted from access to the general public, it is difficult to comply with the requirement for publicly accessible bathrooms. Vacation rentals can also be private residences when not being rented out, and having to comply with the requirement on a year round basis may also cause issues during times the unit is not open to the public.<sup>24</sup>

As the term “public lodging facility” is not defined in Ch. 509, F.S., or within the bill, it is unclear whether a vacation rental is a public lodging facility. If not, the five hearing impaired smoke detector minimum would not apply and vacation rentals would be required to have one per 50 units.<sup>25</sup>

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<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> Department of Business and Professional Regulation, Senate Bill 1400 Analysis (January 23, 2018).

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 159.27, 212.08, 316.1955, 404.056, 477.0135, 509.013, 509.032, 509.072, 509.091, 509.092, 509.095, 509.101, 509.111, 509.141, 509.142, 509.144, 509.162, 509.191, 509.2015, 509.211, 509.2112, 509.215, 509.221, 509.241, 509.242, 509.251, 509.281, 509.302, 509.4005, 509.401, 509.402, 509.405, 509.409, 509.417, 553.5041, 717.1355, and 877.24.

This bill creates the following sections of the Florida Statutes: 509.601, 509.603, 509.604, 509.605, 509.6051, 509.606, 509.607, 509.608, and 509.609.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Community Affairs on January 30, 2018:**

- Creates a section preempting all licensing of vacation rentals to the state.
- Requires a license application to contain the operator's emergency contact number. Also allows a temporary license to be issued and allows vacation rental to begin use while application is pending.
- Allows the division to fine, suspend, or revoke the license of any vacation rental when the advertisement for the vacation rental does not display the vacation rental license number.
- Regulates multiple unit vacation rentals. When five or more vacation rentals in multifamily dwellings are under common ownership and are rented out more than 180 days per year, such rental is subject to additional requirements, including biannual inspections.
- Defines a vacation rental as any unit in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is rented to guests for periods of less than 180 days but that is not a timeshare project.
- Requires the division to make the vacation rental license information required under chapter 509 to be available to the public, and allows local governments to use this license information for informational purposes only.
- Grandfathers local ordinances adopted on or before June 1, 2011.
- Sets maximum occupancy limits for vacation rentals.

**B. Amendments:**

None.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1/30/18

Bill Number (if applicable) 1406  
Amendment Barcode (if applicable) 677376

Topic Vacation Rentals

Name Andy Gonzalez

Job Title Public Policy Representative

Address 200 S. MORGAN ST

Street Tallahassee State FL Zip 32301

Phone 850-224-1406  
Email andy@floridarealtors.org

Speaking:  For  Against  Information  Waive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*

Representing Florida Realtors

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

1-30-18

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1405

Meeting Date

Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic VACATION RENTALS

Name Jess McCarty

Job Title Assistant County Attorney

Address 111 NW 1st Street, Suite 2810

Phone 305-979-7110

Street

Miami

FL

33128

Email jimm2@miamidade.gov

City

State

Zip

Speaking:  For  Against

Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Miami-Dade County

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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Meeting Date 1/30/19

Bill Number (if applicable) 1400/1640  
Amendment Barcode (if applicable) 10004980

Topic VEGETATION RESTRICTIONS

Name JANNIFER GREEN

Job Title \_\_\_\_\_

Address 113 S. COLLEGE AVE.

Phone 841-1726

Street 771 N 22301  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Email JANNIFER@LIBRARIANPARTNERS.COM

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing FLORIDA & HOMEAWAY

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1/20/14

Bill Number (if applicable)

✓  
SB 773-OPP  
SB 1400 (Opp)  
SB 1640 (Support)

Topic Attorneys' Hourly - w. Valedictory

Amendment Barcode (if applicable)

Name Hermanf Henry "Pat" started

Job Title owner

Address 7500 Disconyer Blvd Phone 305-992-9099

Street Miami State FL Zip 33138 Email Hermanf.King@yahoo.com

Speaking:  For  Against  Information Waive Speaking:  In Support  Against

(The Chair will read this information into the record.)

Representing Self & Asian American Hotel Owners Assoc.

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**



(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-30-18

PCS 1700

Meeting Date

Bill Number (if applicable)

Topic Vacation Rentals

Amendment Barcode (if applicable)  
767560

Name Lori Killigiv

Job Title Attorney/lobbyist

Address 315 S. Calhoun St.

Phone 850 222 5742

Street Tallahassee

City FL

State 32301

Zip Killigiv@kw-va.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing FL Vacation Rental Management Assn

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
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Meeting Date

1-30-18

Bill Number (if applicable)

76750

Amendment Barcode (if applicable)

Topic Short Term Rental

Name Kelley Kearney #

Job Title Owner - ARCK Investments LLC

Address 318 N Monroe St

Street

City

State

Zip

Tallahassee FL 32301

Phone 8506941490

Email \_\_\_\_\_

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**



(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1-30-2018

Bill Number (if applicable) \_\_\_\_\_

Topic Short term rentals

Amendment Barcode (if applicable) 76750

Name Pet Brueckhoiser

Job Title Retired Business owner

Address 1304 Botton Road  
Street

Phone 850-528-7004

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Email 3169patb@earthlink.net

Speaking:  For  Against  Information  
Waive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No  
Lobbyist registered with Legislature:  Yes  No

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**THE FLORIDA SENATE  
APPEARANCE RECORD**

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Meeting Date 1-30-18

Bill Number (if applicable)

Amendment Barcode (if applicable) 71675100

Topic AIRBNB

Name Roslyn Wilkes

Job Title HOMEOWNER

Address \_\_\_\_\_

Street

Phone \_\_\_\_\_

Email \_\_\_\_\_

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing AIRBNB

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
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Meeting Date 1-30-18

Bill Number (if applicable) \_\_\_\_\_

Amendment Barcode (if applicable) 767560

Topic Air BNR

Name Nga Nguyen

Job Title Home Owner

Address H03 Vinhedge Rude

Phone 850-5710-3302

City Tallahassee State FL Zip 32302

Email Nga.ThePoalthe@a

Speaking:  For  Against  Information  Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Air BNR

Appearing at request of Chair:  Yes  No  Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
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(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date \_\_\_\_\_

Bill Number (if applicable)  
RS 660488

Topic Vegetation Reports

Amendment Barcode (if applicable)  
767560  
Simmons

Name Eric Rose

Job Title Deputy Asst. Dir.

Address 100 Maynes

Phone 9224300

Street

Email \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No  
Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

1/30

Bill Number (if applicable)

1406

Amendment Barcode (if applicable)

Simmons Amendment

Topic Vacation Rentals

Name Casey Cook

Job Title Senior Legislative Advocate

Address PO Box 1757

Street

Wellbryne

State FL

Zip 32382

Email

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*

Representing Florida League of Cities

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/30/2018

1400

Meeting Date

Bill Number (if applicable)

Amendment Barcode (if applicable)

Simmons Amend

Topic Vacation Rentals

Name Gary Bruhn

Job Title Mayor

Address 108 Forest St

Phone 407-876-1732

Street 108 Forest St  
City Windermere FL 34786  
State FL Zip 34786

Email windermerewm@ymail.com

Speaking:  For  Against  Information  Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing FL League of Cities FL League of Mayors

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1-30-18

14001660098

Bill Number (if applicable)

#67560  
Amendment Barcode (if applicable)

Topic Vacation Rentals

Name Armando Ibarra

Job Title \_\_\_\_\_

Address 1674 Meridian Ave

Phone 786 514 2965

Street Miami Beach  
City State Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Greater Miami and the Beaches Hotel Association

Appearing at request of Chair:  Yes  No  
Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1/30/2014

Bill Number (if applicable) SB 1400

Topic Vacation Rentals

Amendment Barcode (if applicable) 767566

Name Cari Roth

Job Title \_\_\_\_\_

Address 215 S. Monroe St Suite 815

Phone 859/591-1094

Street Tallahassee City FL State 32301 Zip

Email croth@deanward.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing City of Holmes Beach

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1-30-18

Bill Number (if applicable) 1400

Topic Vacation Rentals

Amendment Barcode (if applicable) 660498

Name Kate Cotner

Job Title Assistant County Attorney

Address 1801 27th Street

Phone 772-226-1466

Street Vero Beach State FL Zip 32960

Email kcotner@virgocan.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Indian River County

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date \_\_\_\_\_

Bill Number (if applicable) \_\_\_\_\_

Topic Shout Tom Rental

Amendment Barcode (if applicable) \_\_\_\_\_

Name Jim Hathaway

Job Title Mayor

Address 210 Sam Ave

Phone 386-424-2100

Street New Smyrna Beach State FL Zip 32168

Email jhathaway@cityofnub.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing City of New Smyrna Beach

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1-30-18

Bill Number (if applicable) 1400

Topic Vacation Rentals

Amendment Barcode (if applicable) \_\_\_\_\_

Name Kim Glas-Castro

Job Title Vice Mayor - Town of Lake Park

Address 335 Park Ave

Phone 561-758-7551

Street Lake Park City FL State 33403 Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-30-2018

SB 1400

Meeting Date

Bill Number (if applicable)

Topic Vacation Rentals

Amendment Barcode (if applicable)

Name Carol A. Carter

Job Title Commissioner City of Anna Maria

Address 1005 Gull Drive POB 779

Phone 941-~~941-2430~~ 538-2229

Street Anna Maria FL 34216

Email amcarter@cityofannamaria.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing City of Anna Maria

Appearing at request of Chair:  Yes  No  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1/30/2018

Bill Number (if applicable) SB 1400

Topic MEAL ON BENTONS

Amendment Barcode (if applicable)

Name JIM KIRBY

Job Title COMMISSIONER, ALZHEIMERS BENT

Address 503 GOTT ST

Phone 443-421-3381

Street

ALZHEIMERS BENT

State FL

Zip 34217

Email JKIRBY@ALZHEIMERSBENT.FL.GOV

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing CITY OF ALZHEIMERS BENT

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1/30/2018

Amendment Barcode (if applicable) SB 1400+1640  
Bill Number (if applicable)

Topic VACATION RENTALS

Name DOMINICK MONTAÑARO

Job Title VICE MAYOR

Address 565 CASSIA BLVD

Street SATELLITE BEACH FL 32937  
City SATELLITE BEACH FL State FL Zip 32937

Phone 321-501-4316

Email DMONTAÑARO@SATELLITE BEACH FL

Speaking:  For  Against  Information  In Support  Against  
(The Chair will read this information into the record.)

Representing SATELLITE BEACH

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1/30/18

Bill Number (if applicable) SB 1400  
SB 1640

Topic Washon Rentals

Amendment Barcode (if applicable)

Name Courtney Barker

Job Title City Manager at City of Satellite Beach

Address 5105 Cassia Blvd, Phone 321-626-9028

Street Satellite Beach City FL State FL Zip 32937 Email cbarker@satellitebeach.org

Speaking:  For  Against  Information  In Support  Against  
(The Chair will read this information into the record.)

Representing City of Satellite Beach

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/30/18  
Meeting Date

1480  
Bill Number (if applicable)

Topic SPB 1480 and 1640 -

Amendment Barcode (if applicable)

Name Agency Sikes-Kline

Job Title City Commissioner - City of St Augustine

Address PO Box 510

Phone 904 806-6003

Street St Augustine City FL State 32085 Zip

Email MSikesKline@staug.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing City of St Augustine City Commission

Appearing at request of Chair:  Yes  No  
Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1-30-2018

Bill Number (if applicable) 1400

Amendment Barcode (if applicable) \_\_\_\_\_

Topic Vacation Rentals

Name DAWN PARZO

Job Title Councilwoman

Address 1000 W Blue Heron Blvd

Street Riviera Beach City FL State 33404 Zip

Phone 561 8453683

Email dpardo@riviera-beach.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against (The Chair will read this information into the record.)

Representing City of Riviera Beach

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1/30/18

Bill Number (if applicable)  
SB1400 (Copp)  
HB-773  
SB1640 (JMP)  
(JMP)

Topic ATR & B & B

Amendment Barcode (if applicable)

Name Divesh Patel

Job Title Owner of Hotel

Address 2930 Hospitality St

Phone 313-671-8409

Street Tallahassee State FL Zip 32303

Email

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*

Representing Hotel Industry - Fed Roof Inn - Tallahassee

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/30/18

Meeting Date

SB 640 (Suppl)  
SB 1900 (Oppos)

Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Affordable Housing

Name Arun Kundra

Job Title OWNER

Address 2716 Gamble Rd

Street

Monticello FL 32344

City

State

Zip

Phone 850 997 3538

Email akkundra@gmail.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1-30-18

Meeting Date

Bill Number (if applicable) 1460

Topic Vacation Rental

Amendment Barcode (if applicable)

Name Rana Brown

Job Title \_\_\_\_\_

Address 18571 NE 29 Ave Ste 1010

Phone 305 935 1846

Street Aventura FL 33180

Email Rana@REBORSA.com

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing City of Miami Beach

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1-30-18

Bill Number (if applicable) 1400

Topic Vacation Rentals

Amendment Barcode (if applicable) Simmons

Name Kim Glas-Castro

Job Title Vice Mayor - Town of Lake Park

Address 335 Park Ave Phone 561-758-7551

Street Lake Park City FL State 33403 Zip

Email kglas-castro@lakeparkflorida.com

Speaking:  For  Against  Information Waive Speaking:  In Support  Against  (The Chair will read this information into the record.)

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1/30/18

Bill Number (if applicable) 1400

Topic Vocational Centers

Amendment Barcode (if applicable)

Name Prebble Ramswell

Job Title Mayor Pro Temp / Councilwoman

Address 4742 Indian Bayou

Phone 850 8374242

Street Destin State FL Zip 32541

Email pramswell@cityofdestin.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*

Representing Summers Amendment  
City of Destin

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

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**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date \_\_\_\_\_ Bill Number (if applicable) 1400

Topic VACATION RENTALS Amendment Barcode (if applicable) \_\_\_\_\_

Name CHRISTOPHER EMMANUEL

Job Title BOSSY DIRECTOR

Address 136 S. BRANFORD Phone \_\_\_\_\_

Street TLH City FL State FL Zip 32301

Speaking:  For  Against  Information  In Support  Against  
(The Chair will read this information into the record.)

Representing FLORIDA CHAMBER OF COMMERCE

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1-30-18

Bill Number (if applicable)

RS 1400

Amendment Barcode (if applicable)

677376

Topic Vacation Rentals

Name Lon Killinger

Job Title Attorney/Lobbyist

Address 315 S. Calhoun St.

Phone 850 228-5702

City Tallahassee State FL Zip 32301

Email lkillinger@lw-law.com

Speaking:  For  Against  Information  Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing FL Vacation Rental Management Assn.

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

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**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1/20/19

Bill Number (if applicable) 1400/1640  
Amendment Barcode (if applicable) 077376

Topic VACATION RENTALS

Name JANNIFER GREEN

Job Title \_\_\_\_\_

Address 113 G. Collier Ave

Phone 841-1726

Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Email JANNIFER@LIBERTY PROPERTY 10/1

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing EXPERIA & HOMEAWAY

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Duplicate

14 OD

Meeting Date

Bill Number (if applicable)

677376

Amendment Barcode (if applicable)

Topic

Name Jess McCarty

Job Title Assistant County Attorney

Address 111 NW 1st Street, Suite 2810

Phone 305-979-7110

Street

City

State

Zip

Miami

FL

33128

Speaking:

For

Against

Information

Waive Speaking:

In Support

Against

(The Chair will read this information into the record.)

Representing Miami-Dade County

Appearing at request of Chair:

Yes

No

Lobbyist registered with Legislature:

Yes

No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1/30/2018

Bill Number (if applicable) SB 1400

Amendment Barcode (if applicable) 677376

Topic Vacation Rentals

Name Cari Roth

Job Title \_\_\_\_\_

Address 215 S. Monroe St Suite 815

Phone 850 1591-1094

Street Palkewitz City FL State FL Zip 32301

Email croth@deanwad.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing City of Holmes Beach

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/30/2018

1490

Meeting Date

Bill Number (if applicable)

Topic Vacation Rentals

Amendment Barcode (if applicable) Steube Amend

Name Gary Bruhn

Job Title Mayor

Address 108 Forest Street

Phone 407-876-1732

Street City State Zip  
Windermer FL 34786

Email windermermayor@yahoo.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing FL League of Cities FL League of Mayors

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

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**THE FLORIDA SENATE  
APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1/30

Bill Number (if applicable) 1400

Amendment Barcode (if applicable) Strike Amendments

Topic \_\_\_\_\_

Name Casery Cook

Job Title Senior Legislative Advocate

Address PO Box 1757

Phone \_\_\_\_\_

Street Tallahassee

City FL State 32302 Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing FLORIDA LEAGUE OF CITIES

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1/30

Bill Number (if applicable) 1400

Amendment Barcode (if applicable) Sube Amendment

Topic \_\_\_\_\_

Name Ray Beggshaw

Job Title Mayor - City of Edgewood

Address 405 Larve Ave

Street Edgewood State FL Zip 32808

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing City of Edgewood

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date \_\_\_\_\_

Bill Number (if applicable) RS 60498

Topic Waste Leaks

Amendment Barcode (if applicable) 677376

Name Eric Poole

Job Title \_\_\_\_\_

Address \_\_\_\_\_

Phone 9224300

Street \_\_\_\_\_

Email \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida Assoc. Counties

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

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**THE FLORIDA SENATE  
APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1-30-18

Bill Number (if applicable) \_\_\_\_\_

Amendment Barcode (if applicable) 077376

Topic Air BNB

Name Nga Nguyen

Job Title Home owner

Address 403 Vinhedge Ride

Phone 850-570-3302

City Tallahassee State FL Zip 32303

Email NgaTheRealTOR@Gma

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Air BNB

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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Meeting Date 1-30-18

Bill Number (if applicable) 1099376  
Amendment Barcode (if applicable) \_\_\_\_\_

Topic HR-613

Name Rosalyn Wilkies

Job Title HR 613

Address \_\_\_\_\_ Phone \_\_\_\_\_

Street

Email \_\_\_\_\_

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing HR 613

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1-30-18

Bill Number (if applicable) 1400/660498

Topic Violation Rentals

Amendment Barcode (if applicable) 677376

Name Armando Ibarra

Job Title \_\_\_\_\_

Address 1674 Jordan Ave

Phone 7865142965

Street Miami Beach  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Email \_\_\_\_\_

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Senator Miami and the Beaches Hotel Association

Appearing at request of Chair:  Yes  No  
Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-30-2018

Meeting Date

Bill Number (if applicable)

677316

Amendment Barcode (if applicable)

Topic

Short term notes

Name

Pet Brueckheimer

Job Title

Retired Business owner

Address

1304 Botton Road

Phone

850-528-1004

Street

Tallahassee FL

32308

Email

3169pathbill@gmail.com

City

State

Zip

Speaking:

For

Against

Information

Waive Speaking:

In Support

Against

(The Chair will read this information into the record.)

Representing

Appearing at request of Chair:

Yes

No

Yes

No

Lobbyist registered with Legislature:

Yes

No

Yes

No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1-30-18

Bill Number (if applicable) 677376

Topic  Short-term Rental

Amendment Barcode (if applicable)

Name Kelly Kearney

Job Title Owner - A-Check Investments LLC

Address 318N Monroe St

Phone 850 6941400

Street Alhambesse City FL State 32301 Zip

Email

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

1/8

Bill Number (if applicable)

677376

Amendment Barcode (if applicable)

Topic FINANCING

Name ABUO RAICHTALL

Job Title ALUMNI HOST

Address 1200 STERNS ST, A77A

Street Tallahassee, FL  
City 32309 State FL Zip 32309

Phone 850-518-9574

Email tallycast@gmail.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No  Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1-30-18

1400

Bill Number (if applicable) H 707560  
Amendment Barcode (if applicable) Simmons

Topic Vacation Rentals

Name TRAVIS MOORE

Job Title \_\_\_\_\_

Address P.O. Box 2020

Phone 727.421.6902

Street

St. Petersburg

State FL

Zip 33731

Email travis@moore-relations.com

City

State

Zip

or Bar Code above

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Dean Hammack Property Owners Association

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

11 30. 2018

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

Bill Number (if applicable)  
677376

Topic SHORT TERM RENTALS

Amendment Barcode (if applicable)  
767560  
(AGAINST)

Name ELIZA PARTINGTON

Job Title MARKETING DIRECTOR

Address 2300 BUFF OAK WAY APT 6208

Phone 850.694.5778

Street

TALAHASSEE FL

32311

Email ELIZA.PARTINGTON@CWCORP

City

State

Zip

Speaking:

For

Against

Information

Waive Speaking:

In Support

Against

~~The Chair will read this information into the record.~~

Representing SELF

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/6  
Meeting Date

767582  
Amendment Barcode (if applicable)

Bill Number (if applicable)

Topic ALABAMA

Name DAVID BALLWELL

Job Title ANALYST

Address 1200 STEWART # 7A

Street Tallahassee State FL Zip 32309

Phone 850 570-9574

Email tallegcast@gmail.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 9 30

Bill Number (if applicable)

1400

Swimons Amendment  
Amendment Barcode (if applicable)

Topic Vacation Rentals

Name Ray Bagshaw

Job Title Mayor City of Edgewood

Address 405 Laine Ave

<sup>Street</sup> Edgewood FL 32809  
City State Zip

Phone \_\_\_\_\_

Email rbagshaw@edgewood-fl.gov

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing City of Edgewood FL

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 30 Jan 18

Bill Number (if applicable) 1400

Topic usccs litigation records

Amendment Barcode (if applicable) S1W0M05  
a amendment

Name Walter Albers

Job Title \_\_\_\_\_

Address Rox 1168

Phone \_\_\_\_\_

Street Talghemmer Rd

City FL State FL Zip 32302 Email \_\_\_\_\_

Speaking:  For  Against  Information  Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Flagler County

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/30/2018

Meeting Date

SB 1400

Bill Number (if applicable)

767560

Amendment Barcode (if applicable)

Topic Mar Jean Venturi

Name Kathy Russell

Job Title Rep of Tom Ralston

Address 400 S Orange Ave

Street Orlando, FL

City

State

Zip

Email

Phone

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing City of Orlando

Appearing at request of Chair:  Yes  No  Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1/30/14

Bill Number (if applicable) 1400

Topic Vacation Rentals SB1400

Amendment Barcode (if applicable) 767560

Name Mark Anderson

Job Title \_\_\_\_\_

Address 106 S. Marine

Phone 813-205-0658

Street Tallahassee State FL Zip 32301

Email Mark@ceas@anderson.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing AHLA

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 130/14

Bill Number (if applicable) 1400

Amendment Barcode (if applicable) Steube/Simmons Amendments

Topic Vacation Rentals

Name Warren Husband

Job Title Partner - Motel, Husband & Dishwasher

Address 119 S. Monroe Subezon Phone 205-9880

Street Tarhissie City FL State FL Zip 32301 Email \_\_\_\_\_

Speaking:  For  Against  Information  Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida Resturns 3 Lodging Assoc

Appearing at request of Chair:  Yes  No  Yes  No  
Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/30/2018

Meeting Date

1400

Bill Number (if applicable)

Topic Vacation Rentals

Amendment Barcode (if applicable)

Name Gary Bruhn

Job Title Mayor

Address 108 Forest Street

Phone 407-876-1732

Street Windermere City FL State FL Zip 34786

Email windermeremayor@yahoo.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing FL League of Cities / FL League of Mayors

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1/30

Bill Number (if applicable) 1400

Topic \_\_\_\_\_

Amendment Barcode (if applicable) \_\_\_\_\_

Name Casey Cook

Job Title Senior Legislative Advocate

Address PO Box 1757

Phone \_\_\_\_\_

Street Tallahassee State FL Zip 32302

Email \_\_\_\_\_

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida League of

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-30-18

Meeting Date

1400

Bill Number (if applicable)

Topic Vacation Rentals

Amendment Barcode (if applicable)

Name Armando Ibarra

Job Title \_\_\_\_\_

Address 1674 Meridian Ave

Phone 7865142965

Street Miami Beach

Email \_\_\_\_\_

City Miami State \_\_\_\_\_ Zip \_\_\_\_\_

Waive Speaking:  In Support  Against

(The Chair will read this information into the record.)

Speaking:  For  Against  Information

Representing Greater Miami and the Beaches Hotel Association

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-30-18

Meeting Date

1400

Bill Number (if applicable)

660498

Amendment Barcode (if applicable)

Topic Vacation Rentals

Name Armando Ibarra

Job Title

Address 1674 Meridian Ave

Phone 7865142965

Street

Miami Beach

City

State

Zip

Email

Speaking:

For

Against

Information

Waive Speaking:

In Support

Against

(The Chair will read this information into the record.)

Representing Greater Miami and the Beaches Hotel Association

Appearing at request of Chair:

Yes

No

Lobbyist registered with Legislature:

Yes

No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 01/30/18

Bill Number (if applicable) 1400

Topic Vacation Rentals

Amendment Barcode (if applicable) \_\_\_\_\_

Name \_\_\_\_\_

Job Title \_\_\_\_\_

Address 230 S. Adams St.

Phone 850-224-2250

Street Tallahassee State FL Zip 32301

Email \_\_\_\_\_

Speaking:  For  Against  Information  Waive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*

Representing Florida Restaurant & Lodging Assn.

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 01/30/18

Bill Number (if applicable) 1040

Topic Vacation Rentals

Amendment Barcode (if applicable) \_\_\_\_\_

Name \_\_\_\_\_

Job Title \_\_\_\_\_

Address 230 S. Adams St.

Phone 850-224-2250

Street Tallahassee City FL State 32301 Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*

Representing Florida Restaurant & Lodging Assn.

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/30/18

Meeting Date

Bill Number (if applicable)  
~~HB 7773~~

Topic short term rentals in Vacation

Amendment Barcode (if applicable)

Name RICK BHOLA

Job Title \_\_\_\_\_

Address 5639 TECUMSEH DR

Phone 850 766 5808

Street

TALLAHASSEE FL 32312

Email \_\_\_\_\_

City

State

Zip

Speaking:  For  Against

Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing HOTEL INDUSTRY & Quality Inn, Tallahassee

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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This form is part of the public record for this meeting.

SB 773 (OPP)  
SB 1640 (OPP)

SB 1400 (OPP)

THE FLORIDA SENATE

APPEARANCE RECORD

SR 773

SR 1400 APPEAL

SR 1640 - SUPPORT

1/30/18

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

Bill Number (if applicable)

Topic

Affordable Housing and Veterans' Benefits

Amendment Barcode (if applicable)

Name

VITESH KANJI

Job Title

GM

Address

3100 Appunette Blvd

Phone

214 537-0675

Street

TALWARRIE

FL

32311

Email

Gm.daysfor6544@yaho.com

City

State

Zip

Speaking:

For

Against

Information

Waive Speaking:

In Support

Against

(The Chair will read this information into the record.)

Representing

Appearing at request of Chair:

Yes

No

Lobbyist registered with Legislature:

Yes

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1/30/18

Bill Number (if applicable)

Topic Affordable Housing or rents

Amendment Barcode (if applicable)

Name Regendra Perry

Job Title Diner (Baymont Inn)

Address 2681 W Monroe St

Phone 888-

Street Tallahassee City FL State 32303 Zip

Email Baymont32303@

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
*(AAA) The Chair will read this information into the record.*

Representing Self / family & small hotel Dumps

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/31/18  
Meeting Date

1400  
Bill Number (if applicable)

Topic VACATION RENTAL

Amendment Barcode (if applicable)

Name FAUSTO GOMEZ

Job Title

Address 2350 CORALWAY

Phone (305) 860-0760

Street

MIAMI

FL

33145

Email FGOMEZ@GOMEZ

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing NORTON BAY VILLAGE

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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**THE FLORIDA SENATE  
APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date \_\_\_\_\_

Bill Number (if applicable) \_\_\_\_\_

Topic Vegetation Reverts

Amendment Barcode (if applicable) 660498

Name Eric Poole

Job Title Dep. Veg Dir

Address 105 Merr

Phone \_\_\_\_\_  
Email \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida Assoc. Counties

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

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This form is part of the public record for this meeting.

By Senator Steube

23-00017D-18

20181400\_\_

1                                   A bill to be entitled  
 2       An act relating to vacation rentals; providing a  
 3       directive to the Division of Law Revision and  
 4       Information; creating s. 509.601, F.S.; providing a  
 5       short title; creating s. 509.603, F.S.; providing  
 6       legislative findings; specifying purpose; preempting  
 7       regulation and control of vacation rentals to the  
 8       state; specifying authority of the Division of Hotels  
 9       and Restaurants over regulation of vacation rentals;  
 10      requiring the division to adopt rules; specifying  
 11      applicability of the preemption; creating s. 509.604,  
 12      F.S.; requiring vacation rentals to obtain a license;  
 13      specifying that individuals cannot transfer licenses;  
 14      specifying a penalty for operating without a license;  
 15      requiring local law enforcement to assist with  
 16      enforcement; specifying that the division may refuse  
 17      to issue or renew a license under certain  
 18      circumstances; specifying that licenses must be  
 19      renewed annually and that the division must adopt  
 20      rules for staggered renewals; specifying the manner in  
 21      which administrative proceedings proceed upon the  
 22      expiration of a license; specifying that persons  
 23      intending to use a property as a vacation rental apply  
 24      for and receive a license before use; requiring such  
 25      licenses to be displayed in a vacation rental;  
 26      creating s. 509.605, F.S.; requiring the division to  
 27      adopt rules regarding certain license and delinquent  
 28      fees; specifying requirements regarding such fees;  
 29      creating s. 509.606, F.S.; providing penalties for

Page 1 of 35

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

23-00017D-18

20181400\_\_

30       violations; specifying the circumstances that  
 31       constitute a separate offense of a critical law or  
 32       rule; specifying circumstances where a closed-for-  
 33       operation sign must be posted; specifying where  
 34       administrative fines must be paid and credited to;  
 35       specifying the maximum amount of time a vacation  
 36       rental license may be suspended for; specifying  
 37       certain circumstances where the division may fine,  
 38       suspend, or revoke the license of a vacation rental;  
 39       specifying that persons are not entitled to a license  
 40       when administrative proceedings have been or will be  
 41       brought against a licenseholder; providing enforcement  
 42       for noncompliance with final orders or other  
 43       administrative actions; authorizing the division to  
 44       refuse the issuance or renewal of a license until all  
 45       fines have been paid; creating s. 509.607, F.S.;  
 46       specifying that vacation rentals are to be treated as  
 47       transient rentals regarding certain tax and landlord  
 48       and tenant provisions; exempting persons renting or  
 49       advertising for rent from certain real estate  
 50       regulations; creating s. 509.608, F.S.; preempting  
 51       inspection of vacation rentals to the state;  
 52       specifying that the division is solely responsible for  
 53       inspections and quality assurance; specifying that the  
 54       division has a right of entry and access for  
 55       performing inspections; prohibiting the division from  
 56       establishing certain rules; specifying that vacation  
 57       rentals must be made available for inspection upon  
 58       request; specifying procedures for vulnerable adults

Page 2 of 35

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

23-00017D-18

20181400\_\_

59 appearing to be victims of neglect and, in the case of  
 60 buildings without automatic sprinkler systems, persons  
 61 who may not be able to self-preserve in an emergency;  
 62 requiring the division to inspect vacation rentals  
 63 when necessary to respond to emergencies and  
 64 epidemiological conditions; amending s. 509.013, F.S.;  
 65 revising and defining terms; amending s. 509.032,  
 66 F.S.; specifying provisions for inspection of vacation  
 67 rentals; deleting certain preemption provisions  
 68 relating to vacation rentals; amending ss. 509.072,  
 69 509.091, 509.095, 509.101, 509.111, 509.141, 509.142,  
 70 509.144, 509.162, 509.2015, 509.211, 509.2112, and  
 71 509.215, F.S.; conforming provisions to changes made  
 72 by the act; amending s. 509.221, F.S.; revising a  
 73 provision that excludes vacation rentals from certain  
 74 sanitary regulations; amending s. 509.241, F.S.;  
 75 conforming provisions to changes made by the act;  
 76 amending s. 509.242, F.S.; removing vacation rentals  
 77 from the classifications of public lodging  
 78 establishments; amending ss. 509.251, 509.281,  
 79 509.302, 509.4005, 509.401, 509.402, 509.405, 509.409,  
 80 and 509.417, F.S.; conforming provisions to changes  
 81 made by the act; providing an effective date.

82  
 83 Be It Enacted by the Legislature of the State of Florida:

84  
 85 Section 1. The Division of Law Revision and Information is  
 86 directed to create part III of chapter 509, Florida Statutes,  
 87 consisting of ss. 509.601-509.608, Florida Statutes, to be

Page 3 of 35

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

23-00017D-18

20181400\_\_

88 entitled "Vacation Rentals."  
 89 Section 2. Section 509.601, Florida Statutes, is created to  
 90 read:  
 91 509.601 Short title.—This part may be cited as the "Florida  
 92 Vacation Rental Act."  
 93 Section 3. Section 509.603, Florida Statutes, is created to  
 94 read:  
 95 509.603 Legislative findings and purpose; preemption of  
 96 subject matter; duties.—  
 97 (1) The Legislature finds that:  
 98 (a) Property owners who choose to use their property as a  
 99 vacation rental have constitutionally protected property and  
 100 other rights that must be protected, including the right to use  
 101 their residential property as a vacation rental;  
 102 (b) Vacation rentals play a significant, unique, and  
 103 critical role in Florida's tourism industry, and that role is  
 104 different from that of public lodging establishments;  
 105 (c) There are factors unique to the ownership and operation  
 106 of a vacation rental; and  
 107 (d) Vacation rentals are residential in nature and thus,  
 108 belong in residential neighborhoods.  
 109 (2) This act is created for the purpose of regulating the  
 110 factors unique to vacation rentals. The applicable provisions of  
 111 part I of this chapter are hereby deemed incorporated in this  
 112 act.  
 113 (3) The regulation and control of vacation rentals is  
 114 preempted to the state.  
 115 (4) The division has the sole authority to carry out this  
 116 act.

Page 4 of 35

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

23-00017D-18

20181400\_\_

117 (5) The division shall adopt rules pursuant to ss.  
 118 120.536(1) and 120.54 to implement this part.  
 119 (6) If any provision of this act is held invalid, it is the  
 120 legislative intent that the preemption by this section be no  
 121 longer applicable to the provision of the act held invalid.  
 122 Section 4. Section 509.604, Florida Statutes, is created to  
 123 read:  
 124 509.604 Licenses required; exceptions.-  
 125 (1) LICENSES; ANNUAL RENEWALS.-Each vacation rental shall  
 126 obtain a license from the division. Such license may not be  
 127 transferred from one place or individual to another. It shall be  
 128 a misdemeanor of the second degree, punishable as provided in s.  
 129 775.082 or s. 775.083, for such a rental to operate without a  
 130 license. Local law enforcement shall provide immediate  
 131 assistance in pursuing an illegally operating vacation rental.  
 132 The division may refuse to issue a license, or a renewal  
 133 thereof, to any vacation rental of an operator of which, within  
 134 the preceding 5 years, has been adjudicated guilty of, or has  
 135 forfeited a bond when charged with, any crime reflecting on  
 136 professional character, including soliciting for prostitution,  
 137 pandering, letting premises for prostitution, keeping a  
 138 disorderly place, or illegally dealing in controlled substances  
 139 as defined in chapter 893, whether in this state or in any other  
 140 jurisdiction within the United States, or has had a license  
 141 denied, revoked, or suspended pursuant to s. 429.14. Licenses  
 142 must be renewed annually, and the division shall adopt a rule  
 143 establishing a staggered schedule for license renewals. If any  
 144 license expires while administrative charges are pending against  
 145 the license, the proceedings against the license shall continue

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146 to conclusion as if the license were still in effect.  
 147 (2) APPLICATION FOR LICENSE.-Each person intending to use  
 148 his or her property as a vacation rental must apply for and  
 149 receive a license from the division before the commencement of  
 150 such use.  
 151 (3) DISPLAY OF LICENSE.-Any license issued by the division  
 152 must be conspicuously displayed in the vacation rental.  
 153 Section 5. Section 509.605, Florida Statutes, is created to  
 154 read:  
 155 509.605 License fees.-  
 156 (1) The division shall adopt by rule a fee to be paid by  
 157 each vacation rental as a prerequisite to issuance or renewal of  
 158 a license. Vacation rental units within separate buildings or at  
 159 separate locations but managed by one licensed operator may be  
 160 combined in a single license application, and the division shall  
 161 charge a license fee as if all units in the application are a  
 162 single vacation rental; however, such fee may not exceed \$1,000.  
 163 The rule must require a vacation rental that applies for an  
 164 initial license to pay the full license fee if application is  
 165 made during the annual renewal period or more than 6 months  
 166 before the next such renewal period and one-half of the fee if  
 167 application is made 6 months or less before such period. The  
 168 rule must also require that fees be collected for the purpose of  
 169 funding the Hospitality Education Program, pursuant to s.  
 170 509.302. Such fees must be payable in full for each application  
 171 regardless of when the application is submitted.  
 172 (2) Upon making initial application or an application for  
 173 change of ownership of a vacation rental, the applicant must pay  
 174 to the division a fee as prescribed by rule, not to exceed \$50,

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175 in addition to any other fees required by law, which must cover  
 176 all costs associated with initiating regulation of the vacation  
 177 rental.

178 (3) A license renewal filed with the division after the  
 179 expiration date must be accompanied by a delinquent fee as  
 180 prescribed by rule, not to exceed \$50, in addition to the  
 181 renewal fee and any other fees required by law.

182 Section 6. Section 509.606, Florida Statutes, is created to  
 183 read:

184 509.606 Revocation or suspension of licenses; fines;  
 185 procedure.-

186 (1) Any vacation rental operating in violation of this act  
 187 or the rules of the division, operating without a license, or  
 188 operating with a suspended or revoked license may be subject by  
 189 the division to:

190 (a) Fines not to exceed \$1,000 per offense; and

191 (b) The suspension, revocation, or refusal of a license  
 192 issued pursuant to this chapter.

193 (2) For the purposes of this section, the division may  
 194 regard as a separate offense each day or portion of a day on  
 195 which a vacation rental is operated in violation of a "critical  
 196 law or rule," as that term is defined by rule.

197 (3) The division shall post a prominent closed-for-  
 198 operation sign on any vacation rental, the license of which has  
 199 been suspended or revoked. The division shall also post such  
 200 sign on any vacation rental judicially or administratively  
 201 determined to be operating without a license. It is a  
 202 misdeemeanor of the second degree, punishable as provided in s.  
 203 775.082 or s. 775.083, for any person to deface or remove such

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204 closed-for-operation sign or for any vacation rental to open for  
 205 operation without a license or to open for operation while its  
 206 license is suspended or revoked. The division may impose  
 207 administrative sanctions for violations of this section.

208 (4) All funds received by the division as satisfaction for  
 209 administrative fines must be paid into the State Treasury to the  
 210 credit of the Hotel and Restaurant Trust Fund and may not  
 211 subsequently be used for payment to any entity performing  
 212 required inspections under contract with the division.  
 213 Administrative fines may be used to support division programs  
 214 pursuant to s. 509.302(1).

215 (5) (a) A license may not be suspended under this section  
 216 for a period of more than 12 months. At the end of such period  
 217 of suspension, the vacation rental may apply for reinstatement  
 218 or renewal of the license. A vacation rental, the license of  
 219 which is revoked, may not apply for another license for that  
 220 location before the date on which the revoked license would have  
 221 expired.

222 (b) The division may fine, suspend, or revoke the license  
 223 of any vacation rental if an operator knowingly lets, leases, or  
 224 gives space for unlawful gambling purposes or permits unlawful  
 225 gambling in such establishment or in or upon any premises which  
 226 are used in connection with, and are under the same charge,  
 227 control, or management as, such establishment.

228 (6) The division may fine, suspend, or revoke the license  
 229 of any vacation rental when:

230 (a) Any person with a direct financial interest in the  
 231 licensed vacation rental, within the preceding 5 years in this  
 232 state, any other state, or the United States, has been

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233 adjudicated guilty of or forfeited a bond when charged with  
 234 soliciting for prostitution, pandering, letting premises for  
 235 prostitution, keeping a disorderly place, illegally dealing in  
 236 controlled substances as defined in chapter 893, or any other  
 237 crime reflecting on professional character.

238 (b) The division has deemed such vacation rental to be an  
 239 imminent danger to the public health and safety for failure to  
 240 meet sanitation standards, or the division has determined the  
 241 vacation rental to be unsafe or unfit for human occupancy.

242 (7) A person is not entitled to the issuance of a license  
 243 for any vacation rental except in the discretion of the director  
 244 when the division has notified the current licenseholder for  
 245 such premises that administrative proceedings have been or will  
 246 be brought against such current licensee for violation of any  
 247 provision of this chapter or rule of the division.

248 (8) The division may fine, suspend, or revoke the license  
 249 of any vacation rental when the rental is not in compliance with  
 250 the requirements of a final order or other administrative action  
 251 issued against the licensee by the division.

252 (9) The division may refuse to issue or renew the license  
 253 of any vacation rental until all outstanding fines are paid in  
 254 full to the division as required by all final orders or other  
 255 administrative action issued against the licensee by the  
 256 division.

257 Section 7. Section 509.607, Florida Statutes, is created to  
 258 read:

259 509.607 Taxes; exemptions.—Vacation rentals are subject to  
 260 chapter 212 in the same manner as transient rentals. Vacation  
 261 rentals are exempt from chapter 83 in the same manner as

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262 transient rentals. Any person, partnership, corporation, or  
 263 other legal entity which, for another and for compensation or  
 264 other valuable consideration, rents or advertises for rent a  
 265 vacation rental licensed under chapter 509 is exempt from  
 266 chapter 475.

267 Section 8. Section 509.608, Florida Statutes, is created to  
 268 read:

269 509.608 Inspection of premises.—

270 (1) Inspection of vacation rentals is preempted to the  
 271 state, and the division has jurisdiction and is solely  
 272 responsible for all inspections. The division is solely  
 273 responsible for quality assurance.

274 (2) For purposes of performing inspections and the  
 275 enforcement of this chapter, the division has the right of entry  
 276 and access to a vacation rental at any reasonable time.

277 (3) The division may not establish by rule any regulation  
 278 governing the design, construction, erection, alteration,  
 279 modification, repair, or demolition of any vacation rental.

280 (4) Vacation rentals must be made available to the division  
 281 for inspection upon request. If, during the inspection of a  
 282 vacation rental, an inspector identifies vulnerable adults who  
 283 appear to be victims of neglect, as defined in s. 415.102, or,  
 284 in the case of a building that is not equipped with automatic  
 285 sprinkler systems, tenants or clients who may be unable to self-  
 286 preserve in an emergency, the division shall convene meetings  
 287 with the following agencies as appropriate to the individual  
 288 situation: the Department of Health, the Department of Elderly  
 289 Affairs, the area agency on aging, the local fire marshal, the  
 290 landlord and affected tenants and clients, and other relevant

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291 organizations, to develop a plan that improves the prospects for  
 292 safety of affected residents and, if necessary, identifies  
 293 alternative living arrangements, such as facilities licensed  
 294 under part II of chapter 400 or under chapter 429.

295 (5) The division shall inspect vacation rentals whenever  
 296 necessary to respond to an emergency or epidemiological  
 297 condition.

298 Section 9. Subsections (2) and (3) and paragraph (b) of  
 299 subsection (4) of section 509.013, Florida Statutes, are  
 300 amended, and subsection (17) is added to that section, to read:

301 509.013 Definitions.—As used in this chapter, the term:

302 (2) "Operator" means the owner, licensee, proprietor,  
 303 lessee, manager, assistant manager, or appointed agent of a  
 304 public lodging establishment, vacation rental, or public food  
 305 service establishment.

306 (3) "Guest" means any patron, customer, tenant, lodger,  
 307 boarder, or occupant of a public lodging establishment, vacation  
 308 rental, or public food service establishment.

309 (4)

310 (b) The following are excluded from the definitions in  
 311 paragraph (a):

312 1. Any dormitory or other living or sleeping facility  
 313 maintained by a public or private school, college, or university  
 314 for the use of students, faculty, or visitors.

315 2. Any facility certified or licensed and regulated by the  
 316 Agency for Health Care Administration or the Department of  
 317 Children and Families or other similar place regulated under s.  
 318 381.0072.

319 3. Any place renting four rental units or less, unless the

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320 rental units are advertised or held out to the public to be  
 321 places that are regularly rented to transients.

322 4. Any unit or group of units in a condominium,  
 323 cooperative, or timeshare plan and any individually or  
 324 collectively owned one-family, two-family, three-family, or  
 325 four-family dwelling house or dwelling unit that is rented for  
 326 periods of at least 30 days or 1 calendar month, whichever is  
 327 less, and that is not advertised or held out to the public as a  
 328 place regularly rented for periods of less than 1 calendar  
 329 month, provided that no more than four rental units within a  
 330 single complex of buildings are available for rent.

331 5. Any migrant labor camp or residential migrant housing  
 332 permitted by the Department of Health under ss. 381.008-  
 333 381.00895.

334 6. Any establishment inspected by the Department of Health  
 335 and regulated by chapter 513.

336 7. Any nonprofit organization that operates a facility  
 337 providing housing only to patients, patients' families, and  
 338 patients' caregivers and not to the general public.

339 8. Any apartment building inspected by the United States  
 340 Department of Housing and Urban Development or other entity  
 341 acting on the department's behalf that is designated primarily  
 342 as housing for persons at least 62 years of age. The division  
 343 may require the operator of the apartment building to attest in  
 344 writing that such building meets the criteria provided in this  
 345 subparagraph. The division may adopt rules to implement this  
 346 requirement.

347 9. Any roominghouse, boardinghouse, or other living or  
 348 sleeping facility that may not be classified as a hotel, motel,

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349 timeshare project, ~~vacation rental~~, nontransient apartment, bed  
 350 and breakfast inn, or transient apartment under s. 509.242.

351 10. Any vacation rental.

352 (17) "Vacation rental" means any unit in a condominium or  
 353 cooperative or any individually or collectively owned single-  
 354 family, two-family, three-family, or four-family house or  
 355 dwelling unit that is rented to guests for periods of less than  
 356 6 months.

357 Section 10. Paragraph (a) of subsection (2) and subsection  
 358 (7) of section 509.032, Florida Statutes, are amended to read:  
 359 509.032 Duties.—  
 360 (2) INSPECTION OF PREMISES.—  
 361 (a) The division has jurisdiction and is responsible for  
 362 all inspections required by this chapter. The inspection of  
 363 vacation rentals shall be done in accordance with part III of  
 364 this chapter. The division is responsible for quality assurance.  
 365 The division shall inspect each licensed public lodging  
 366 establishment at least biannually, except for transient and  
 367 nontransient apartments, which shall be inspected at least  
 368 annually. Each establishment licensed by the division shall be  
 369 inspected at such other times as the division determines is  
 370 necessary to ensure the public's health, safety, and welfare.  
 371 The division shall adopt by rule a risk-based inspection  
 372 frequency for each licensed public food service establishment.  
 373 The rule must require at least one, but not more than four,  
 374 routine inspections that must be performed annually, and may  
 375 include guidelines that consider the inspection and compliance  
 376 history of a public food service establishment, the type of food  
 377 and food preparation, and the type of service. The division

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378 shall reassess the inspection frequency of all licensed public  
 379 food service establishments at least annually. Public lodging  
 380 units classified as ~~vacation rentals or~~ timeshare projects are  
 381 not subject to this requirement but shall be made available to  
 382 the division upon request. If, during the inspection of a public  
 383 lodging establishment classified for renting to transient or  
 384 nontransient tenants, an inspector identifies vulnerable adults  
 385 who appear to be victims of neglect, as defined in s. 415.102,  
 386 or, in the case of a building that is not equipped with  
 387 automatic sprinkler systems, tenants or clients who may be  
 388 unable to self-preserve in an emergency, the division shall  
 389 convene meetings with the following agencies as appropriate to  
 390 the individual situation: the Department of Health, the  
 391 Department of Elderly Affairs, the area agency on aging, the  
 392 local fire marshal, the landlord and affected tenants and  
 393 clients, and other relevant organizations, to develop a plan  
 394 that improves the prospects for safety of affected residents  
 395 and, if necessary, identifies alternative living arrangements  
 396 such as facilities licensed under part II of chapter 400 or  
 397 under chapter 429.

398 (7) PREEMPTION AUTHORITY.—  
 399 ~~(a)~~ The regulation of public lodging establishments and  
 400 public food service establishments, including, but not limited  
 401 to, sanitation standards, inspections, training and testing of  
 402 personnel, and matters related to the nutritional content and  
 403 marketing of foods offered in such establishments, is preempted  
 404 to the state. This paragraph does not preempt the authority of a  
 405 local government or local enforcement district to conduct  
 406 inspections of public lodging and public food service

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407 establishments for compliance with the Florida Building Code and  
 408 the Florida Fire Prevention Code, pursuant to ss. 553.80 and  
 409 633.206.

410 ~~(b) A local law, ordinance, or regulation may not prohibit~~  
 411 ~~vacation rentals or regulate the duration or frequency of rental~~  
 412 ~~of vacation rentals. This paragraph does not apply to any local~~  
 413 ~~law, ordinance, or regulation adopted on or before June 1, 2011.~~

414 ~~(c) Paragraph (b) does not apply to any local law,~~  
 415 ~~ordinance, or regulation exclusively relating to property~~  
 416 ~~valuation as a criterion for vacation rental if the local law,~~  
 417 ~~ordinance, or regulation is required to be approved by the state~~  
 418 ~~land planning agency pursuant to an area of critical state~~  
 419 ~~concern designation.~~

420 Section 11. Subsection (1) of section 509.072, Florida  
 421 Statutes, is amended to read:

422 509.072 Hotel and Restaurant Trust Fund; collection and  
 423 disposition of moneys received.—

424 (1) There is created a Hotel and Restaurant Trust Fund to  
 425 be used for the administration and operation of the division and  
 426 the carrying out of all laws and rules under the jurisdiction of  
 427 the division pertaining to the construction, maintenance, and  
 428 operation of public lodging establishments, vacation rentals,  
 429 and public food service establishments, including the inspection  
 430 of elevators as required under chapter 399. All funds collected  
 431 by the division and the amounts paid for licenses and fees shall  
 432 be deposited in the State Treasury into the Hotel and Restaurant  
 433 Trust Fund.

434 Section 12. Section 509.091, Florida Statutes, is amended  
 435 to read:

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436 509.091 Notices; form and service.—

437 (1) Each notice served by the division pursuant to this  
 438 chapter must be in writing and must be delivered personally by  
 439 an agent of the division or by registered letter to the operator  
 440 of the public lodging establishment, vacation rental, or public  
 441 food service establishment. If the operator refuses to accept  
 442 service or evades service or the agent is otherwise unable to  
 443 effect service after due diligence, the division may post such  
 444 notice in a conspicuous place at the establishment.

445 (2) Notwithstanding subsection (1), the division may  
 446 deliver lodging inspection reports and food service inspection  
 447 reports to the operator of the public lodging establishment,  
 448 vacation rental, or public food service establishment by  
 449 electronic means.

450 Section 13. Section 509.095, Florida Statutes, is amended  
 451 to read:

452 509.095 Accommodations at public lodging establishments or  
 453 vacation rentals for individuals with a valid military  
 454 identification card.—Upon the presentation of a valid military  
 455 identification card by an individual who is currently on active  
 456 duty as a member of the United States Armed Forces, National  
 457 Guard, Reserve Forces, or Coast Guard, and who seeks to obtain  
 458 accommodations at a hotel, motel, or bed and breakfast inn, as  
 459 defined in s. 509.242, or vacation rental, such hotel, motel, ~~or~~  
 460 bed and breakfast inn, or vacation rental shall waive any  
 461 minimum age policy that it may have which restricts  
 462 accommodations to individuals based on age. Duplication of a  
 463 military identification card presented pursuant to this section  
 464 is prohibited.

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465 Section 14. Subsection (1) of section 509.101, Florida  
466 Statutes, is amended to read:

467 509.101 Establishment rules; posting of notice; food  
468 service inspection report; maintenance of guest register; mobile  
469 food dispensing vehicle registry.-

470 (1) Any operator of a public lodging establishment,  
471 vacation rental, or a public food service establishment may  
472 establish reasonable rules and regulations for the management of  
473 the establishment and its guests and employees; and each guest  
474 or employee staying, sojourning, eating, or employed in the  
475 establishment shall conform to and abide by such rules and  
476 regulations so long as the guest or employee remains in or at  
477 the establishment. Such rules and regulations shall be deemed to  
478 be a special contract between the operator and each guest or  
479 employee using the services or facilities of the operator. Such  
480 rules and regulations shall control the liabilities,  
481 responsibilities, and obligations of all parties. Any rules or  
482 regulations established pursuant to this section shall be  
483 printed in the English language and posted in a prominent place  
484 within such public lodging establishment, vacation rental, or  
485 public food service establishment. In addition, any operator of  
486 a public food service establishment shall maintain a copy of the  
487 latest food service inspection report and shall make it  
488 available to the division at the time of any division inspection  
489 of the establishment and to the public, upon request.

490 Section 15. Section 509.111, Florida Statutes, is amended  
491 to read:

492 509.111 Liability for property of guests.-

493 (1) The operator of a public lodging establishment or

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494 vacation rental is not under any obligation to accept for  
495 safekeeping any moneys, securities, jewelry, or precious stones  
496 of any kind belonging to any guest, and, if such are accepted  
497 for safekeeping, the operator is not liable for the loss thereof  
498 unless such loss was the proximate result of fault or negligence  
499 of the operator. However, the liability of the operator shall be  
500 limited to \$1,000 for such loss, if the public lodging  
501 establishment or vacation rental gave a receipt for the property  
502 (stating the value) on a form which stated, in type large enough  
503 to be clearly noticeable, that the public lodging establishment  
504 or vacation rental was not liable for any loss exceeding \$1,000  
505 and was only liable for that amount if the loss was the  
506 proximate result of fault or negligence of the operator.

507 (2) The operator of a public lodging establishment or  
508 vacation rental is not liable or responsible to any guest for  
509 the loss of wearing apparel, goods, or other property, except as  
510 provided in subsection (1), unless such loss occurred as the  
511 proximate result of fault or negligence of such operator, and,  
512 in case of fault or negligence, the operator is not liable for a  
513 greater sum than \$500, unless the guest, before ~~prior to~~ the  
514 loss or damage, files with the operator an inventory of the  
515 guest's effects and the value thereof and the operator is given  
516 the opportunity to inspect such effects and check them against  
517 such inventory. The operator of a public lodging establishment  
518 or vacation rental is not liable or responsible to any guest for  
519 the loss of effects listed in such inventory in a total amount  
520 exceeding \$1,000.

521 Section 16. Section 509.141, Florida Statutes, is amended  
522 to read:

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523 509.141 Refusal of admission and ejection of undesirable  
 524 guests; notice; procedure; penalties for refusal to leave.-  
 525 (1) The operator of any public lodging establishment,  
 526 vacation rental, or public food service establishment may remove  
 527 or cause to be removed from such establishment, in the manner  
 528 hereinafter provided, any guest of the establishment who, while  
 529 on the premises of the establishment, illegally possesses or  
 530 deals in controlled substances as defined in chapter 893 or is  
 531 intoxicated, profane, lewd, or brawling; who indulges in any  
 532 language or conduct which disturbs the peace and comfort of  
 533 other guests or which injures the reputation, dignity, or  
 534 standing of the establishment; who, in the case of a public  
 535 lodging establishment or vacation rental, fails to make payment  
 536 of rent at the agreed-upon rental rate by the agreed-upon  
 537 checkout time; who, in the case of a public lodging  
 538 establishment or vacation rental, fails to check out by the time  
 539 agreed upon in writing by the guest and public lodging  
 540 establishment or vacation rental at check-in unless an extension  
 541 of time is agreed to by the public lodging establishment or  
 542 vacation rental and guest before ~~prior to~~ checkout; who, in the  
 543 case of a public food service establishment, fails to make  
 544 payment for food, beverages, or services; or who, in the opinion  
 545 of the operator, is a person the continued entertainment of whom  
 546 would be detrimental to such establishment. The admission to, or  
 547 the removal from, such establishment ~~may shall~~ not be based upon  
 548 race, creed, color, sex, physical disability, or national  
 549 origin.  
 550 (2) The operator of any public lodging establishment,  
 551 vacation rental, or public food service establishment shall

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552 notify such guest that the establishment no longer desires to  
 553 entertain the guest and shall request that such guest  
 554 immediately depart from the establishment. Such notice may be  
 555 given orally or in writing. If the notice is in writing, it  
 556 shall be as follows:  
 557

558 "You are hereby notified that this establishment no longer  
 559 desires to entertain you as its guest, and you are requested to  
 560 leave at once. To remain after receipt of this notice is a  
 561 misdemeanor under the laws of this state."  
 562

563 If such guest has paid in advance, the establishment shall, at  
 564 the time such notice is given, tender to such guest the unused  
 565 portion of the advance payment; however, the establishment may  
 566 withhold payment for each full day that the guest has been  
 567 entertained at the establishment for any portion of the 24-hour  
 568 period of such day.

569 (3) Any guest who remains or attempts to remain in any such  
 570 establishment after being requested to leave commits is guilty  
 571 ~~of~~ a misdemeanor of the second degree, punishable as provided in  
 572 s. 775.082 or s. 775.083.

573 (4) If any person is illegally on the premises of any  
 574 public lodging establishment, vacation rental, or public food  
 575 service establishment, the operator of such establishment may  
 576 call upon any law enforcement officer of this state for  
 577 assistance. It is the duty of such law enforcement officer, upon  
 578 the request of such operator, to place under arrest and take  
 579 into custody for violation of this section any guest who  
 580 violates subsection (3) in the presence of the officer. If a

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581 warrant has been issued by the proper judicial officer for the  
 582 arrest of any violator of subsection (3), the officer shall  
 583 serve the warrant, arrest the person, and take the person into  
 584 custody. Upon arrest, with or without warrant, the guest will be  
 585 deemed to have given up any right to occupancy or to have  
 586 abandoned such right of occupancy of the premises, and the  
 587 operator of the establishment may then make such premises  
 588 available to other guests. However, the operator of the  
 589 establishment shall employ all reasonable and proper means to  
 590 care for any personal property which may be left on the premises  
 591 by such guest and shall refund any unused portion of moneys paid  
 592 by such guest for the occupancy of such premises.

593 Section 17. Section 509.142, Florida Statutes, is amended  
 594 to read:

595 509.142 Conduct on premises; refusal of service.—The  
 596 operator of a public lodging establishment, vacation rental, or  
 597 public food service establishment may refuse accommodations or  
 598 service to any person whose conduct on the premises of the  
 599 establishment displays intoxication, profanity, lewdness, or  
 600 brawling; who indulges in language or conduct such as to disturb  
 601 the peace or comfort of other guests; who engages in illegal or  
 602 disorderly conduct; who illegally possesses or deals in  
 603 controlled substances as defined in chapter 893; or whose  
 604 conduct constitutes a nuisance. Such refusal may not be based  
 605 upon race, creed, color, sex, physical disability, or national  
 606 origin.

607 Section 18. Section 509.144, Florida Statutes, is amended  
 608 to read:

609 509.144 Prohibited handbill distribution in a public

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610 lodging establishment or vacation rental; penalties.—

611 (1) As used in this section, the term:

612 (a) "Handbill" means a flier, leaflet, pamphlet, or other  
 613 written material that advertises, promotes, or informs persons  
 614 about a person, business, company, or food service establishment  
 615 but does not include employee communications permissible under  
 616 the National Labor Relations Act, other communications protected  
 617 by the First Amendment to the United States Constitution, or  
 618 communications about public health, safety, or welfare  
 619 distributed by a federal, state, or local governmental entity or  
 620 a public or private utility.

621 (b) "Without permission" means without the expressed  
 622 written permission of the owner, manager, or agent of the owner  
 623 or manager of the public lodging establishment or vacation  
 624 rental where a sign is posted prohibiting advertising or  
 625 solicitation in the manner provided in subsection (5).

626 (c) "At or in a public lodging establishment or vacation  
 627 rental" means any property under the sole ownership or control  
 628 of a public lodging establishment or vacation rental.

629 (2) Any person, agent, contractor, or volunteer who is  
 630 acting on behalf of a person, business, company, or food service  
 631 establishment and who, without permission, delivers,  
 632 distributes, or places, or attempts to deliver, distribute, or  
 633 place, a handbill at or in a public lodging establishment or  
 634 vacation rental commits a misdemeanor of the first degree,  
 635 punishable as provided in s. 775.082 or s. 775.083.

636 (3) Any person who, without permission, directs another  
 637 person to deliver, distribute, or place, or attempts to deliver,  
 638 distribute, or place, a handbill at or in a public lodging

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639 establishment or vacation rental commits a misdemeanor of the  
 640 first degree, punishable as provided in s. 775.082 or s.  
 641 775.083. Any person sentenced under this subsection shall be  
 642 ordered to pay a minimum fine of \$500 in addition to any other  
 643 penalty imposed by the court.

644 (4) In addition to any penalty imposed by the court, a  
 645 person who violates subsection (2) or subsection (3) must:  
 646 (a) ~~Shall~~ Pay a minimum fine of \$2,000 for a second  
 647 violation.  
 648 (b) ~~Shall~~ Pay a minimum fine of \$3,000 for a third or  
 649 subsequent violation.

650 (5) For purposes of this section, a public lodging  
 651 establishment or vacation rental that intends to prohibit  
 652 advertising or solicitation, as described in this section, at or  
 653 in such establishment must comply with the following  
 654 requirements when posting a sign prohibiting such solicitation  
 655 or advertising:

656 (a) There must appear prominently on any sign referred to  
 657 in this subsection, in letters of not less than 2 inches in  
 658 height, the terms "no advertising" or "no solicitation" or terms  
 659 that indicate the same meaning.

660 (b) The sign must be posted conspicuously.

661 (c) If the main office of a ~~the~~ public lodging  
 662 establishment is immediately accessible by entering the office  
 663 through a door from a street, parking lot, grounds, or other  
 664 area outside such establishment, the sign must be placed on a  
 665 part of the main office, such as a door or window, and the sign  
 666 must face the street, parking lot, grounds, or other area  
 667 outside such establishment.

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668 (d) If the main office of a ~~the~~ public lodging  
 669 establishment is not immediately accessible by entering the  
 670 office through a door from a street, parking lot, grounds, or  
 671 other area outside such establishment, the sign must be placed  
 672 in the immediate vicinity of the main entrance to such  
 673 establishment, and the sign must face the street, parking lot,  
 674 grounds, or other area outside such establishment.

675 (6) Any personal property, including, but not limited to,  
 676 any vehicle, item, object, tool, device, weapon, machine, money,  
 677 security, book, or record, that is used or attempted to be used  
 678 as an instrumentality in the commission of, or in aiding and  
 679 abetting in the commission of, a person's third or subsequent  
 680 violation of this section, whether or not comprising an element  
 681 of the offense, is subject to seizure and forfeiture under the  
 682 Florida Contraband Forfeiture Act.

683 Section 19. Subsections (1), (2), and (3) of section  
 684 509.162, Florida Statutes, are amended to read:  
 685 509.162 Theft of personal property; detaining and arrest of  
 686 violator; theft by employee.—

687 (1) Any law enforcement officer or operator of a public  
 688 lodging establishment, vacation rental, or public food service  
 689 establishment who has probable cause to believe that theft of  
 690 personal property belonging to such establishment has been  
 691 committed by a person and that the officer or operator can  
 692 recover such property or the reasonable value thereof by taking  
 693 the person into custody may, for the purpose of attempting to  
 694 effect such recovery or for prosecution, take such person into  
 695 custody on the premises and detain such person in a reasonable  
 696 manner and for a reasonable period of time. If the operator

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697 takes the person into custody, a law enforcement officer shall  
 698 be called to the scene immediately. The taking into custody and  
 699 detention by a law enforcement officer or operator of a public  
 700 lodging establishment, vacation rental, or public food service  
 701 establishment, if done in compliance with this subsection, does  
 702 not render such law enforcement officer or operator criminally  
 703 or civilly liable for false arrest, false imprisonment, or  
 704 unlawful detention.

705 (2) Any law enforcement officer may arrest, either on or  
 706 off the premises and without warrant, any person if there is  
 707 probable cause to believe that person has committed theft in a  
 708 public lodging establishment, vacation rental, or ~~in a~~ public  
 709 food service establishment.

710 (3) Any person who resists the reasonable effort of a law  
 711 enforcement officer or operator of a public lodging  
 712 establishment, vacation rental, or public food service  
 713 establishment to recover property which the law enforcement  
 714 officer or operator had probable cause to believe had been  
 715 stolen from the public lodging establishment, vacation rental,  
 716 or public food service establishment, and who is subsequently  
 717 found to be guilty of theft of the subject property, is guilty  
 718 of a misdemeanor of the first degree, punishable as provided in  
 719 s. 775.082 or s. 775.083, unless such person did not know, or  
 720 did not have reason to know, that the person seeking to recover  
 721 the property was a law enforcement officer or the operator. For  
 722 purposes of this section, the charge of theft and the charge of  
 723 resisting apprehension may be tried concurrently.

724 Section 20. Section 509.2015, Florida Statutes, is amended  
 725 to read:

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726 509.2015 Telephone surcharges by public lodging  
 727 establishments and vacation rentals.-

728 (1) A public lodging establishment or vacation rental that  
 729 ~~which~~ imposes a surcharge for any telephone call must post  
 730 notice of such surcharge in a conspicuous place located by each  
 731 telephone from which a call which is subject to a surcharge may  
 732 originate. Such notice must be plainly visible and printed on a  
 733 sign that is not less than 3 inches by 5 inches in size, and  
 734 such notice shall clearly state if the surcharge applies whether  
 735 or not the telephone call has been attempted or completed.

736 (2) The division may, pursuant to s. 509.261 or s. 509.606,  
 737 suspend or revoke the license of, or impose a fine against, any  
 738 public lodging establishment or vacation rental that violates  
 739 subsection (1).

740 Section 21. Subsections (1), (2), and (3) of section  
 741 509.211, Florida Statutes, are amended to read:

742 509.211 Safety regulations.-

743 (1) Each bedroom or apartment in each public lodging  
 744 establishment or vacation rental must ~~shall~~ be equipped with an  
 745 approved locking device on each door opening to the outside, to  
 746 an adjoining room or apartment, or to a hallway.

747 (2) (a) It is unlawful for any person to use within any  
 748 public lodging establishment, vacation rental, or public food  
 749 service establishment any fuel-burning wick-type equipment for  
 750 space heating unless such equipment is vented so as to prevent  
 751 the accumulation of toxic or injurious gases or liquids.

752 (b) Any person who violates ~~the provisions of~~ paragraph (a)  
 753 commits a misdemeanor of the second degree, punishable as  
 754 provided in s. 775.082 or s. 775.083.

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755 (3) Each public lodging establishment or vacation rental  
 756 that is three or more stories in height must have safe and  
 757 secure railings on all balconies, platforms, and stairways, and  
 758 all such railings must be properly maintained and repaired. The  
 759 division may impose administrative sanctions for violations of  
 760 this subsection pursuant to s. 509.261.

761 Section 22. Section 509.2112, Florida Statutes, is amended  
 762 to read:

763 509.2112 Public lodging establishments and vacation rentals  
 764 three stories or more in height; inspection rules.—The Division  
 765 of Hotels and Restaurants of the Department of Business and  
 766 Professional Regulation is directed to provide rules to require  
 767 that:

768 (1) Every public lodging establishment or vacation rental  
 769 that is three stories or more in height in the state file a  
 770 certificate stating that any and all balconies, platforms,  
 771 stairways, and railings have been inspected by a person  
 772 competent to conduct such inspections and are safe, secure, and  
 773 free of defects.

774 (2) The information required under subsection (1) be filed  
 775 commencing January 1, 1991, and every 3 years thereafter, with  
 776 the Division of Hotels and Restaurants and the applicable county  
 777 or municipal authority responsible for building and zoning  
 778 permits.

779 (3) If a public lodging establishment or vacation rental  
 780 that is three or more stories in height fails to file the  
 781 information required in subsection (1), the Division of Hotels  
 782 and Restaurants shall impose administrative sanctions pursuant  
 783 to s. 509.261.

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784 Section 23. Subsections (2) and (3), paragraph (a) of  
 785 subsection (4), and subsection (6) of section 509.215, Florida  
 786 Statutes, are amended to read:

787 509.215 Firesafety.—

788 (2) Any public lodging establishment or vacation rental, as  
 789 defined in this chapter, which is of three stories or more and  
 790 for which the construction contract was let before October 1,  
 791 1983, shall be equipped with:

792 (a) A system which complies with subsection (1); or

793 (b) An approved sprinkler system for all interior  
 794 corridors, public areas, storage rooms, closets, kitchen areas,  
 795 and laundry rooms, less individual guest rooms, if the following  
 796 conditions are met:

797 1. There is a minimum 1-hour separation between each guest  
 798 room and between each guest room and a corridor.

799 2. The building is constructed of noncombustible materials.  
 800 3. The egress conditions meet the requirements of s. 5-3 of  
 801 the Life Safety Code, NFPA 101.

802 4. The building has a complete automatic fire detection  
 803 system which meets the requirements of NFPA-72A and NFPA-72E,  
 804 including smoke detectors in each guest room individually  
 805 annunciating to a panel at a supervised location.

806 (3) Notwithstanding any other provision of law to the  
 807 contrary, this section applies only to those public lodging  
 808 establishments and vacation rentals in a building wherein more  
 809 than 50 percent of the units in the building are advertised or  
 810 held out to the public as available for transient occupancy.

811 (4) (a) Special exception to the provisions of this section  
 812 shall be made for a public lodging establishment or vacation

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813 rental structure that is individually listed in the National  
 814 Register of Historic Places pursuant to the National Historic  
 815 Preservation Act of 1966, as amended; or is a contributing  
 816 property to a National Register-listed district; or is  
 817 designated as a historic property, or as a contributing property  
 818 to a historic district under the terms of a local preservation  
 819 ordinance.

820 (6) Specialized smoke detectors for the deaf and hearing  
 821 impaired shall be available upon request by guests in public  
 822 lodging establishments or vacation rentals at a rate of at least  
 823 one such smoke detector per 50 dwelling units or portions  
 824 thereof, not to exceed five such smoke detectors per public  
 825 lodging facility.

826 Section 24. Subsection (9) of section 509.221, Florida  
 827 Statutes, is amended to read:

828 509.221 Sanitary regulations.—

829 (9) Subsections (2), (5), and (6) do not apply to any  
 830 facility or unit classified as a ~~vacation rental~~, nontransient  
 831 apartment, ~~or timeshare project~~ as described in s. 509.242(1)(c)  
 832 and (f) ~~s. 509.242(1)(e), (d), and (g)~~.

833 Section 25. Subsection (2) of section 509.241, Florida  
 834 Statutes, is amended to read:

835 509.241 Licenses required; exceptions.—

836 (2) APPLICATION FOR LICENSE.—Each person who plans to open  
 837 a public lodging establishment or a public food service  
 838 establishment shall apply for and receive a license from the  
 839 division ~~before~~ prior to the commencement of operation. A  
 840 condominium association, as defined in s. 718.103, which does  
 841 not own any units classified as a timeshare project ~~vacation~~

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842 ~~rentals or timeshare projects~~ under s. 509.242(1)(f) or as a  
 843 vacation rental ~~s. 509.242(1)(e) or (g)~~ is not required to apply  
 844 for or receive a public lodging establishment license.

845 Section 26. Subsection (1) of section 509.242, Florida  
 846 Statutes, is amended to read:

847 509.242 Public lodging establishments; classifications.—

848 (1) A public lodging establishment ~~is shall be~~ classified  
 849 as a hotel, motel, nontransient apartment, transient apartment,  
 850 bed and breakfast inn, or timeshare project, ~~or vacation rental~~  
 851 if the establishment satisfies the following criteria:

852 (a) Hotel.—A hotel is any public lodging establishment  
 853 containing sleeping room accommodations for 25 or more guests  
 854 and providing the services generally provided by a hotel and  
 855 recognized as a hotel in the community in which it is situated  
 856 or by the industry.

857 (b) Motel.—A motel is any public lodging establishment  
 858 which offers rental units with an exit to the outside of each  
 859 rental unit, daily or weekly rates, offstreet parking for each  
 860 unit, a central office on the property with specified hours of  
 861 operation, a bathroom or connecting bathroom for each rental  
 862 unit, and at least six rental units, and which is recognized as  
 863 a motel in the community in which it is situated or by the  
 864 industry.

865 (c) ~~Vacation rental. A vacation rental is any unit or group~~  
 866 ~~of units in a condominium or cooperative or any individually or~~  
 867 ~~collectively owned single-family, two-family, three-family, or~~  
 868 ~~four-family house or dwelling unit that is also a transient~~  
 869 ~~public lodging establishment but that is not a timeshare~~  
 870 ~~project.~~

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871 ~~(d)~~ *Nontransient apartment.*—A nontransient apartment is a  
872 building or complex of buildings in which 75 percent or more of  
873 the units are available for rent to nontransient tenants.

874 (d) ~~(e)~~ *Transient apartment.*—A transient apartment is a  
875 building or complex of buildings in which more than 25 percent  
876 of the units are advertised or held out to the public as  
877 available for transient occupancy.

878 (e) ~~(f)~~ *Bed and breakfast inn.*—A bed and breakfast inn is a  
879 family home structure, with no more than 15 sleeping rooms,  
880 which has been modified to serve as a transient public lodging  
881 establishment, which provides the accommodation and meal  
882 services generally offered by a bed and breakfast inn, and which  
883 is recognized as a bed and breakfast inn in the community in  
884 which it is situated or by the hospitality industry.

885 (f) ~~(g)~~ *Timeshare project.*—A timeshare project is a  
886 timeshare property, as defined in chapter 721, that is located  
887 in this state and that is also a transient public lodging  
888 establishment.

889 Section 27. Subsection (1) of section 509.251, Florida  
890 Statutes, is amended to read:

891 509.251 License fees.—

892 (1) The division shall adopt, by rule, a schedule of fees  
893 to be paid by each public lodging establishment as a  
894 prerequisite to issuance or renewal of a license. Such fees  
895 shall be based on the number of rental units in the  
896 establishment. The aggregate fee per establishment charged any  
897 public lodging establishment may not exceed \$1,000; however, the  
898 fees described in paragraphs (a) and (b) may not be included as  
899 part of the aggregate fee subject to this cap. ~~Vacation rental~~

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900 ~~units or~~ Timeshare projects within separate buildings or at  
901 separate locations but managed by one licensed agent may be  
902 combined in a single license application, and the division shall  
903 charge a license fee as if all units in the application are in a  
904 single licensed establishment. The fee schedule shall require an  
905 establishment which applies for an initial license to pay the  
906 full license fee if application is made during the annual  
907 renewal period or more than 6 months before the next such  
908 renewal period and one-half of the fee if application is made 6  
909 months or less before such period. The fee schedule shall  
910 include fees collected for the purpose of funding the  
911 Hospitality Education Program, pursuant to s. 509.302, which are  
912 payable in full for each application regardless of when the  
913 application is submitted.

914 (a) Upon making initial application or an application for  
915 change of ownership, the applicant shall pay to the division a  
916 fee as prescribed by rule, not to exceed \$50, in addition to any  
917 other fees required by law, which shall cover all costs  
918 associated with initiating regulation of the establishment.

919 (b) A license renewal filed with the division after the  
920 expiration date shall be accompanied by a delinquent fee as  
921 prescribed by rule, not to exceed \$50, in addition to the  
922 renewal fee and any other fees required by law.

923 Section 28. Subsection (1) of section 509.281, Florida  
924 Statutes, is amended to read:

925 509.281 Prosecution for violation; duty of state attorney;  
926 penalties.—

927 (1) The division or an agent of the division, upon  
928 ascertaining by inspection that any public lodging

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929 establishment, vacation rental, or public food service  
 930 establishment is being operated contrary to the provisions of  
 931 this chapter, shall make complaint and cause the arrest of the  
 932 violator, and the state attorney, upon request of the division  
 933 or agent, shall prepare all necessary papers and conduct the  
 934 prosecution. The division shall proceed in the courts by  
 935 mandamus or injunction whenever such proceedings may be  
 936 necessary to the proper enforcement of the provisions of this  
 937 chapter, of the rules adopted pursuant hereto, or of orders of  
 938 the division.

939 Section 29. Paragraph (a) of subsection (2) of section  
 940 509.302, Florida Statutes, is amended to read:

941 509.302 Hospitality Education Program.—

942 (2) (a) All public lodging establishments, ~~and all~~ public  
 943 food service establishments, and vacation rentals licensed under  
 944 this chapter shall pay an annual fee of no more than \$10, which  
 945 shall be included in the annual license fee and used for the  
 946 sole purpose of funding the Hospitality Education Program.

947 Section 30. Section 509.4005, Florida Statutes, is amended  
 948 to read:

949 509.4005 Applicability of ss. 509.401-509.417.—Sections  
 950 509.401-509.417 apply only to guests in transient occupancy in a  
 951 public lodging establishment or vacation rental.

952 Section 31. Subsection (1) of section 509.401, Florida  
 953 Statutes, is amended to read:

954 509.401 Operator's right to lockout.—

955 (1) If, upon a reasonable determination by an operator of a  
 956 public lodging establishment or vacation rental, a guest has  
 957 accumulated a large outstanding account at such establishment,

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958 the operator may lock the guest out of the guest's rental unit  
 959 for the purpose of requiring the guest to confront the operator  
 960 and arrange for payment on the account. Such arrangement must be  
 961 in writing, and a copy must be furnished to the guest.

962 Section 32. Section 509.402, Florida Statutes, is amended  
 963 to read:

964 509.402 Operator's right to recover premises.—If the guest  
 965 of a public lodging establishment or vacation rental vacates the  
 966 premises without notice to the operator and the operator  
 967 reasonably believes the guest does not intend to satisfy the  
 968 outstanding account, the operator may recover the premises. Upon  
 969 recovery of the premises, the operator shall make an itemized  
 970 inventory of any property belonging to the guest and store such  
 971 property until a settlement or a final court judgment is  
 972 obtained on the guest's outstanding account. Such inventory  
 973 shall be conducted by the operator and at least one other person  
 974 who is not an agent of the operator.

975 Section 33. Subsections (1) and (2) of section 509.405,  
 976 Florida Statutes, are amended to read:

977 509.405 Complaint; requirements.—To obtain an order  
 978 authorizing the issuance of a writ of distress upon final  
 979 judgment, the operator must first file with the clerk of the  
 980 court a complaint reciting and showing the following  
 981 information:

982 (1) A statement as to the amount of the guest's account at  
 983 the public lodging establishment or vacation rental.

984 (2) A statement that the plaintiff is the operator of the  
 985 public lodging establishment or vacation rental in which the  
 986 guest has an outstanding account. If the operator's interest in

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987 such account is based on written documents, a copy of such  
988 documents shall be attached to the complaint.

989 Section 34. Section 509.409, Florida Statutes, is amended  
990 to read:

991 509.409 Writ; inventory.—When the officer seizes  
992 distrainable property, either under s. 509.407 or s. 509.408,  
993 and such property is seized on the premises of a public lodging  
994 establishment or vacation rental, the officer shall inventory  
995 the property, hold those items which, upon appraisal, would  
996 appear to satisfy the plaintiff's claim, and return the  
997 remaining items to the defendant. If the defendant cannot be  
998 found, the officer shall hold all items of property. The officer  
999 shall release the property only pursuant to law or a court  
1000 order.

1001 Section 35. Subsection (2) of section 509.417, Florida  
1002 Statutes, is amended to read:

1003 509.417 Writ; sale of property distrained.—

1004 (2) At the time any property levied on is sold, it must be  
1005 advertised two times, the first advertisement being at least 10  
1006 days before the sale. All property so levied on may be sold on  
1007 the premises of the public lodging establishment or the vacation  
1008 rental or at the courthouse door.

1009 Section 36. This act shall take effect July 1, 2018.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: SB 1640

INTRODUCER: Senator Simmons

SUBJECT: Vacation Rentals

DATE: January 24, 2018

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cochran	Yeatman	CA	<b>Pre-meeting</b>
2.	_____	_____	RI	_____
3.	_____	_____	AP	_____

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**I. Summary:**

SB 1640 amends Chapter 509, F.S., as related to vacation rentals by amending the definition of a transient public lodging establishment to include “any part of a unit”. The bill regulates “commercial vacation rentals” and requires registration and biannual inspections. The bill additionally regulates “hosting platforms” that are used to advertise and facilitate the rental of transient public lodging establishments to the public through an online platform. The bill allows local governments to regulate activities that arise when a property is used as a vacation rental, provided the regulation applies uniformly to all residential properties. The Division of Hotels and Restaurants is provided with the authority to implement the act, including licensure, auditing, and enforcement.

**II. Present Situation:**

The Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation (DBPR) is the state agency charged with enforcing the provisions of chapter 509, F.S., relating to the regulation of public lodging establishments and public food service establishments for the purpose of protecting the public health, safety, and welfare.

The term “public lodging establishments” includes transient and nontransient public lodging establishments.<sup>1</sup> The principal differences between transient and nontransient public lodging establishments are the number of times that the establishments are rented in a calendar year and the length of the rentals.

A “transient public lodging establishment” is defined in s. 509.013(4)(a)1., F.S., as:

---

<sup>1</sup> Section 509.013(4)(a), F.S.

any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

A "nontransient public lodging establishment" is defined in s. 509.013(4)(a)2., F.S., as:

any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests for periods of at least 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for periods of at least 30 days or 1 calendar month.

Section 509.013(4)(b), F.S., exempts the following types of establishments from the definition of "public lodging establishment":

1. Any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students, faculty, or visitors.
2. Any facility certified or licensed and regulated by the Agency for Health Care Administration or the Department of Children and Families or other similar place regulated under s. 381.0072, F.S.
3. Any place renting four rental units or less, unless the rental units are advertised or held out to the public to be places that are regularly rented to transients.
4. Any unit or group of units in a condominium, cooperative, or timeshare plan and any individually or collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit that is rented for periods of at least 30 days or 1 calendar month, whichever is less, and that is not advertised or held out to the public as a place regularly rented for periods of less than 1 calendar month, provided that no more than four rental units within a single complex of buildings are available for rent.
5. Any migrant labor camp or residential migrant housing permitted by the Department of Health under ss. 381.008-381.00895, F.S.
6. Any establishment inspected by the Department of Health and regulated by ch. 513, F.S.
7. Any nonprofit organization that operates a facility providing housing only to patients, patients' families, and patients' caregivers and not to the general public.
8. Any apartment building inspected by the United States Department of Housing and Urban Development or other entity acting on the department's behalf that is designated primarily as housing for persons at least 62 years of age. The division may require the operator of the apartment building to attest in writing that such building meets the criteria provided in this subparagraph. The division may adopt rules to implement this requirement.
9. Any roominghouse, boardinghouse, or other living or sleeping facility that may not be classified as a hotel, motel, timeshare project, vacation rental, nontransient apartment, bed and breakfast inn, or transient apartment under s. 509.242 F.S.

Public lodging establishments are classified as a hotel, motel, vacation rental, nontransient apartment, transient apartment, bed and breakfast inn, or timeshare project.<sup>2</sup>

A “vacation rental” is defined in s. 509.242(1)(c), F.S., as:

any unit or group of units in a condominium, cooperative, or timeshare plan or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is also a transient public lodging establishment but is not a timeshare project.

The department licenses vacation rentals as condominiums, dwellings, or timeshare projects.<sup>3</sup> The division may issue a vacation rental license for “a single-family house, a townhouse, or a unit or group of units in a duplex, triplex, quadruplex, or other dwelling unit that has four or less units collectively.”<sup>4</sup>

The 41,931 public lodging establishments licensed by the division are distributed as follows:<sup>5</sup>

- Hotels – 1,916 licenses;
- Motels – 2,600 licenses;
- Nontransient apartments – 18,008 licenses;
- Transient apartments – 895 licenses;
- Bed and Breakfast Inns – 259 licenses;
- Vacation rental condominiums – 5,037 licenses;
- Vacation rental dwellings – 13,196 licenses; and
- Vacation rental timeshare projects – 20 licenses.

### **Inspections of Vacation Rentals**

The division must inspect each licensed public lodging establishment at least biannually, but transient and nontransient apartments must be inspected at least annually. However, the division is not required to inspect vacation rentals, but vacation rentals must be available for inspection upon a request by the division.<sup>6</sup> The division inspects a vacation rental in response to a consumer complaint related to sanitation issues or unlicensed activity. In Fiscal Year 2016-2017, the division received 457 consumer complaints regarding vacation rentals and inspected the vacation rentals.<sup>7</sup>

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<sup>2</sup> Section 509.242(1), F.S.

<sup>3</sup> Fla. Admin. Code R. 61C-1.002(4)(a)1.

<sup>4</sup> The division further classifies a vacation rental license as a single, group, or collective license. See Fla. Admin. Code R. 61C-1.002(4)(a)1. A single license may include one single-family house or townhouse, or a unit or group of units within a single building that are owned and operated by the same individual person or entity. A group license is a license issued by the division to a licensed agent to cover all units within a building or group of buildings in a single complex. A collective license is a license issued by the division to a licensed agent who represents a collective group of houses or units found on separate locations not to exceed 75 houses per license.

<sup>5</sup> *Division of Hotels and Restaurants Annual Report for FY 2016-2017*, Department of Business and Professional Regulation.

A copy of the report is available at:

[http://www.myfloridalicense.com/dbpr/hr/reports/annualreports/documents/ar2016\\_17.pdf](http://www.myfloridalicense.com/dbpr/hr/reports/annualreports/documents/ar2016_17.pdf) (Last visited January 24, 2018).

<sup>6</sup> Section 509.032(2)(a), F.S.

<sup>7</sup> See *supra* note 5, at 23.

## Preemption

Section 509.032(7)(a), F.S., provides that “the regulation of public lodging establishments and public food service establishments, including, but not limited to, sanitation standards, inspections, training and testing of personnel, and matters related to the nutritional content and marketing of foods offered in such establishments, is preempted to the state.”

Section 509.032(7)(b), F.S., prohibits local laws, ordinances, or regulations that prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. However, this prohibition does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.

Section 509.032(7)(c), F.S., provides that the prohibition in s. 509.032(7)(b), F.S., does not apply to local laws, ordinances, or regulations exclusively relating to property valuation as a criterion for vacation rental if the law, ordinance or regulation is required to be approved by the state land planning agency pursuant to an area of critical state concern designation.<sup>8</sup>

## Legislative History

In 2011, the Legislature preempted vacation rental regulation to the state. The preemption prevented local governments from enacting any law, ordinance, or regulation that:

- Restricted the use of vacation rentals;
- Prohibited vacation rentals; or
- Regulated vacation rentals based solely on their classification, use, or occupancy.<sup>9</sup>

This legislation grandfathered any local law, ordinance, or regulation that was enacted by a local government on or before June 1, 2011.<sup>10</sup>

In 2014, the Legislature revised the preemption to its current form with an effective date of July 1, 2014.<sup>11</sup> Chapter 2014-71, Laws of Fla., amended s. 509.032(7)(b), F.S., and repealed the portions of the preemption of local laws, ordinances, and regulations which prohibited “restrict[ing] the use of vacation rentals” and which prohibited regulating vacation rentals “based solely on their classification, use or occupancy.”<sup>12</sup>

## Attorney General Opinion

The office of the Attorney General issued an Informal Legal Opinion on October 22, 2013, regarding whether Flagler County could intercede and stop vacation rental operations in private homes that were zoned, prior to June 1, 2011, for single-family residential use.<sup>13</sup> According to

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<sup>8</sup> See s. 163.3164(43), F.S., provides that the state land planning agency is the Department of Economic Opportunity.

<sup>9</sup> Chapter 2011-119, Laws of Fla.

<sup>10</sup> *Id.*

<sup>11</sup> Chapter 2014-71, Laws of Fla.; codified in s. 509.032(7)(b), F.S.

<sup>12</sup> *Id.*

<sup>13</sup> Florida Attorney General, Informal Legal Opinion to Mr. Albert Hadeed, Flagler County Attorney, regarding “Vacation Rental Operation-Local Ordinances,” dated October 22, 2013.

the opinion, “due to an increase in the number of homes being used as vacation rentals in Flagler County, many permanent residents in neighborhoods with vacation rentals have raised concerns about the negative effects such rentals have on their quality of life and the character of their neighborhood.” Flagler County had no regulation governing vacation rentals before the grandfather date of June 1, 2011, in s. 509.032(7)(b), F.S. The Attorney General concluded that the county’s local zoning ordinance for single-family homes that predated June 1, 2011, did not restrict the rental of such property as a vacation rental and that the zoning ordinances could not now be interpreted to restrict vacation rentals.

A second advisory opinion was issued by the Attorney General on November 13, 2014, for the City of Wilton Manors concluding that s. 509.032(7)(b), F.S., does not permit the city to regulate the location of vacation rentals through zoning, and the city may not prohibit vacation rentals which fail to comply with the registration and licensing requirements in s. 509.241, F.S., which requires public lodging establishments to obtain a license from the division.<sup>14</sup>

In addition, the Attorney General issued a third advisory opinion on October 5, 2016, addressing whether a municipality could limit the spacing and concentration of vacation rentals through a proposed ordinance regarding vacation rentals.<sup>15</sup> The Attorney General concluded that the preemption in s. 509.032, F.S., allows local governments some regulation of vacation rentals, but prevents local governments from prohibiting vacation rentals. Consequently, the Attorney General noted that a municipality may not impose spacing or proportional regulations that would have the effect of preventing eligible housing from being used as a vacation rental.<sup>16</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 212.18, F.S., requiring people who are leasing, renting, letting, or granting a license to use a transient public lodging establishment to display the valid certificate of registration in any rental listing or advertisement for the property. There is a penalty of \$50 a day for violations. The penalty goes up to \$100 for repeat offenders.

**Section 2** amends s. 509.013, F.S., creating a definition for “commercial vacation rentals” which is defined as one license with five or more vacation rental units, or five or more rental units under common ownership, control or management. The section also adds a definition for “hosting platform” as a person who advertises the rental of transient public lodging establishments located in the state who receives compensation in connection with facilitating a guest’s reservation or with collecting payment for such reservation or rental made through any online-enabled application, software, website, or system. The definition for “transient public lodging establishment” is expanded to cover the whole or part of any unit. The definition for “nontransient public lodging establishment” is also expanded to cover the whole or part of any unit. This section also adds a clause regarding places renting four rental units or less, stating that if a rental unit, in whole or in part, is advertised to guests for transient occupancy via a hosting

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<sup>14</sup> Florida Attorney General, AGO 2014-09, Vacation Rentals - Municipalities - Land Use, November 13, 2014, available at: <http://www.myfloridalegal.com/ago.nsf/printview/5DFB7F27FB483C4685257D900050D65E>. (last visited January 24, 2018).

<sup>15</sup> Florida Attorney General, AGO 2016-12, Municipalities - Vacation Rentals - Zoning, October 5, 2016, available at: <http://www.myfloridalegal.com/ago.nsf/printview/3AF7050D48068C10852580440051386C> (last visited January 24, 2018).

<sup>16</sup> *Id.*

platform, it shall be deemed “regularly rented to transients.” Additionally, for units in a condominium, cooperative, or timeshare plan, or collectively owned dwelling houses that are rented for periods of at least 30 days or 1 calendar month, if a rental unit, in whole or in part, is advertised to guests for transient occupancy via a hosting platform, it shall be deemed “regularly rented for periods of less than 1 calendar month.” The section strikes the former definition of “transient establishment.” The section also adjusts the definition of “transient occupancy” to mean any occupancy in which the operator prohibits the guest from using the occupied lodging as the guest’s sole residence, as stated in the written rental agreement. If there is no such provision, there is a rebuttable presumption that the occupied lodging is not the sole residence of the guest, the occupancy is transient. The section strikes the former definition of “transient,” “nontransient,” and “nontransient establishment.” The section updates the definition of “nontransient occupancy” to add that if a written rental agreement states that the operator permits the guest to use the occupied lodging as the guest’s sole residence and if such agreement is for a term greater than 30 days, there is a rebuttable presumption the occupancy is nontransient. If there is no provision, there is a rebuttable presumption that when the occupied lodging is the sole residence of the guest, the occupancy is nontransient.

**Section 3** amends s. 509.032, F.S., allowing the division to do additional inspections as they determine necessary to ensure the public health, safety, and welfare. It also adds commercial vacation rentals to the types of units that shall be inspected biannually. It moves language that gives rulemaking authority to the division for determining risk-based inspection frequency for licensed public food establishments.

**Section 4** amends s. 509.032, F.S., allowing a local government to regulate activities that arise when a property is used as a vacation rental, provided the regulation applies uniformly to all residential properties. The local government may also regulate activities in single-family residences in which the owner does not personally occupy at least a portion of the residence where vacation rental activities are occurring. Vacation rental owners are required to submit to the local jurisdiction a copy of the vacation rental license required under ch. 509, F.S., a copy of the certificate of registration required under s. 212.18, F.S., and the owner’s emergency contact information. The locals cannot assess a fee for the submission, and it is to be used for informational purposes only. The section grandfathers regulations adopted before June 1, 2011, including when the regulations are being amended to be less restrictive.

**Section 5** amends s. 509.034, F.S., applying ss. 509.141-509.162 and 509.401-509.417, F.S., to guests in transient occupancy in a licensed public lodging establishment only. It previously applied these sections only to “transients,” which is a definition that has been removed.

**Section 6** amends s. 509.101, F.S., updating terminology per the updated definitions section.

**Section 7** amends s. 509.141, F.S., making notice that a guest immediately depart from an establishment is effective immediately upon operator’s delivery of the notice in any form.

**Section 8** amends s. 509.151, F.S., updating terminology per the updated definitions section.

**Section 9** amends s. 509.221, F.S., updating terminology per the updated definitions section. The section also subjects commercial vacation rentals to certain sanitary regulations, including the public bathroom requirement, soap and towel requirements, and bedding requirements.

**Section 10** amends s. 509.241, F.S., giving the division the ability to refuse to issue, refuse to renew, suspend, or revoke the license of any public lodging establishment that is the subject of a final order from a local government directing the public lodging establishment to cease operations due to violation of a local ordinance. Vacation rental operators shall display the unit's license number in all rental listings or advertisements, and if the operator is offering for rent the whole or any portion of a unit or dwelling through the rental listing or advertisement, the operator shall also display the physical address of the property, including any unit designation.

**Section 11** amends s. 509.242, F.S., updating the definition of a vacation rental to include the whole or any part of a unit. The division may require that applicants and licensees provide all information necessary to determine common ownership, control, or management of vacation rentals. The section also updates the definition of a "nontransient apartment" to a building or complex of buildings in which 75 percent or more of the units are advertised or held out to the public as available for nontransient occupancy.

**Section 12** creates s. 509.243, F.S., to regulate hosting platforms for transient public lodging establishments. An operator may not advertise or list its rental properties with a hosting platform unless the hosting platform is registered with the division pursuant to this section. A hosting platform may not advertise for rent, facilitate a guest's reservation, or collect payments for the reservation or rental of a public lodging establishment that is not licensed by the division as required by s. 509.241, F.S. A person may not operate as a hosting platform for transient public lodging establishments located in this state unless registered with the division pursuant to this section. The division will issue a registration to each person who meets the requirements of this section and who pays the required registration fee, which will be deposited into the Hotel and Restaurant Trust Fund. Fees will be based on the number of transient lodging establishments served by the hosting platform. A hosting platform must designate and maintain on file with the division an agent for service of process in the state. Hosting platforms may collect and remit state and local taxes on behalf of the operators of the public lodging establishments which it serves. Hosting platforms must maintain records listing each transient public lodging establishment that it serves, the name of the operator, the license number and the physical address. Records must detail each period of rental reserved through the hosting platform and the itemized amounts collected from the guests by the hosting platform for the rental, taxes, and all other charges. Records must be maintained by the hosting platform for a period of three years and must be transmitted to the division every three months in an electronic format. The division shall audit such records at least annually to enforce compliance with this chapter. Hosting platforms operating in violation of this section may be subject by the division to fines not to exceed \$1,000 per offense and to suspension, revocation, or refusal of a registration issued pursuant to this section.

**Section 13** amends s. 509.4005, F.S., to apply ss. 509.401-509.417, F.S., to licensed public lodging establishments.

**Section 14** requires the Department of Revenue (DOR) and counties to provide an amnesty program for unpaid taxes, penalties, and interest for persons engaging in leasing, renting, letting or granting licenses to use a vacation rental subject to the following conditions:

- A customer's payment for the vacation rental must have been made before October 1, 2018.
- By October 1, 2018, the person who collects rental payments must be registered with the department to collect taxes on vacation rentals.
- By October 1, 2018 the person who collects rental payments must apply for amnesty pursuant to the rules adopted by the department.
- The owners, operators, or managers of the vacation rental must have collected the rental payments.
- Taxes may not have been collected from any customer to occupy a vacation rental.
- The amnesty program is not available for taxes, penalties, or interest assessed if the assessment is final and has not been timely challenged, or for taxes, penalties, or interest that have been paid to the department, unless the payment is the subject of an assessment that is not final or that has been timely challenged. The department may adopt emergency rules to implement the amnesty program.

**Sections 15, 16, 17, 18, 19, 20, 21, and 22** are amended to update cross references.

**Section 23** provides an effective date of October 1, 2018, except as otherwise provided in the act.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

### C. Government Sector Impact:

The DBPR reports revenue may increase with increased vacation rental licenses generating bed tax or other tourism taxes. There will be an indeterminate amount of licensing revenue and fines. It is unknown how many current rental offerings are exempt from licensing and will be required to become licensed.<sup>17</sup>

Expenditures are estimated to be \$2,719,821 in fiscal year 2018-19 and a recurring \$2,018,088 beginning in fiscal year 2019-20.

Hosting platforms for vacation rentals must obtain a registration from the division for a fee to be outlined in rule. Vacation rentals which were previously exempt from licensure must now obtain a license. An indeterminate increase in fines due to having more vacation rental units licensed and more sanitation and safety requirements being applicable to vacation rental units.<sup>18</sup>

The DBPR also reports that at least 33 FTE will be required.<sup>19</sup>

The currently indeterminate workload increase for legal staff resulting from this bill may not be realized for a year or two after implementation. There is a possibility additional legal staff will be required in future years. Human Resources will be able to establish the additional positions, however, an additional Personnel Services Specialist may be necessary in future years to handle the increased workload for recruitment, workers' compensation, classification and employee relations.<sup>20</sup>

Additionally, the new proposed language requiring a vacation rental operator to display the rental's license number in all rental listing and advertisements, as well as the physical address including any unit number designation, may result in an indeterminate number of violations and may require additional resources to implement.<sup>21</sup>

The DOR reports that the bill would require approximately 730 contractor hours (at \$93 per hour) and 520 in-house hours to provide the necessary development to verify, pro-rate and distribute the funds in Revenue's Unified Tax System (SUNTAX). This totals \$67,890.<sup>22</sup>

### VI. Technical Deficiencies:

None.

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<sup>17</sup> Florida Department of Business and Professional Regulation, *Senate Bill 1640 Analysis* (January 24, 2018).

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> Florida Department of Revenue, *Senate Bill 1640 Fiscal Impact Analysis* (January 22, 2018).

## VII. Related Issues:

The DBPR reports that delays caused by the rulemaking process may create challenges in completing necessary programming by the effective date.<sup>23</sup>

The bill may not provide the division with sufficient rulemaking authority to impose geographical or numerical limits for commercial vacation rentals. The absence of a geographical or numerical limit could result in one license covering 1,000 or more units throughout the state.

Removing vacation rentals from being exempt from the requirements of ss. 509.221(2), (5), and (6), F.S., may conflict with s. 509.221(2)(a), F.S., which directs the division to adopt a rule establishing categories of establishments that are not subject to the s. 509.221(2), F.S., public bathroom requirement and with Section 455.3.2.2, 2017 Florida Building Code – Building, Sixth, which exempts resort condominiums and resort dwellings (now called vacation rentals) from public bathroom requirements.<sup>24</sup> Rule 61C-1.004, F.A.C., currently excludes nontransient establishments, vacation rentals, and timeshare projects from the requirement in s. 509.221(9), F.S., concerning public bathroom facilities. Commercial vacation rental units can be private residences, and thus restricted from access to the general public. Commercial vacation rentals can revert to being private residences when not being rented out, and having to comply with the requirement on a year round basis may cause issues during times the unit is not open to the public.<sup>25</sup>

While the proposed amendment to s. 509.241(1), F.S., permits the division to refuse to issue, refuse to renew, suspend, or revoke the license of any public lodging establishment that is the subject of a final order from a local government directing the establishment to stop operations due to violations of a local ordinance, the division will need to be notified of the local government's final order.<sup>26</sup>

The new proposed definition of “commercial vacation rental” may conflict with the current definition of “single license” as licensed agents are not currently eligible for a single license.<sup>27</sup>

The proposed change in Section 14 provides that the DOR and any county that administers a tax imposed under ch. 125 or 212, F.S., shall provide an amnesty program. Paragraph (3) provides that “the department may adopt emergency rules... to implement the amnesty program.” It may be unclear whether “the department” refers to DBPR or DOR for rulemaking authority.<sup>28</sup>

DOR points out that lines 124-128 reference a “transient public lodging establishment” as defined by s. 509.242, F.S. Other than the addition to s. 212.18, F.S., made by the proposed language, Chapter 212, F.S., does not use or reference this term. Ch. 509, F.S., is currently used only by the DBPR for the purpose of licensure. The DOR has no experience in applying that

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<sup>23</sup> Florida Department of Business and Professional Regulation, *Senate Bill 1640 Analysis* (January 24, 2018).

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

chapter's provisions and may have difficulties in determining whether an individual property is or is not a "transient public lodging establishment" based on an advertisement or rental listing.<sup>29</sup>

Lines 140-151 provide a daily penalty to be imposed on a person who fails to display a valid certificate of registration "...until the person is in compliance." This presents several possible issues. First, the Department may be unable to determine who the penalty should be imposed against, as advertisements do not always contain the name of the lessor. Second, the advertisement does not always contain the exact property address, making it impossible to send a notification. Also, even if the address is given, the lessor most likely does not reside at that address and so is unlikely to receive the notification. Third, the Department may be unable to determine the amount of time an advertisement or rental listing has been available, which could cause difficulties in calculating how much penalty to impose. Advertisements often do not contain a date on which it was first placed and do not indicate on which date(s) it may have been changed. Finally, the penalty applies until the person is in compliance, not the correction of the noncompliant listing or advertisement. Therefore, the penalty would continue until all listings were in compliance, but the issues noted previously could cause difficulties with determining if a person has come into compliance.<sup>30</sup>

The bill requires that the advertisements or listings to display the registration number. The listing or advertisement may be designed or published by a third party, or the information from such listings may be captured by an aggregating website for such listings, that is not programmed to also capture the registration. Using the current bill language these listings and advertisements would not be in compliance and would be subject to the penalty, despite the original listing or advertisement, posted by the lessor containing the information. Additionally, the relationship between the displayer of the listing or advertisement, and the originator of the listing may be unclear, and which party is responsible for paying the penalty may be similarly unclear.<sup>31</sup>

The bill provides that a hosting platform may collect and remit sales and local taxes on behalf of operators of public lodging establishments which it serves. Section 212.03, F.S., requires tax to be collected and remitted by the lessor or person who receives the rental payment. This provision could create a conflict if the hosting platform is not considered the lessor or the person receiving the rental payment. It is unclear how the DOR would determine which party to a transaction is responsible for collecting and remitting the applicable tax and subject to an assessment for tax returns not submitted or on any unremitted amounts determined to be due.<sup>32</sup>

The bill provides an amnesty program to persons engaged in the business of renting vacation rentals, as defined by s. 509.242, F.S. Section 212.18, F.S., only addresses the requirement to register as a dealer with the DOR. It does not address the taxability of engaging in any business. As with "transient public lodging establishment," Ch. 212, F.S., does not use the term "vacation rental." Sales tax is imposed on the rental of transient accommodations under s. 212.03, F.S.<sup>33</sup>

As drafted, the bill presents the following issues related to the proposed amnesty program:

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<sup>29</sup> Florida Department of Revenue, *Senate Bill 1640 Analysis* (January 19, 2018).

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

- There is no effective date for the program.
- Although the term “vacation rental” is defined, it does not have the same meaning as terms used in Ch. 212, F.S.
- There is no indication whether a taxpayer who chooses to participate in the amnesty program can still choose to contest the tax owed.
- It is unclear whether a self-administering county that offers an amnesty program must abide by the rules promulgated by the Department.

#### **VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 212.18, 509.013, 509.032, 509.034, 509.101, 509.141, 509.151, 509.221, 509.241, 509.242, 509.4005, 159.27, 212.08, 316.1955, 404.056, 477.0135, 553.5041, 717.1355, and 877.24.

This bill creates section 509.243 of the Florida Statutes.

#### **IX. Additional Information:**

- A. **Committee Substitute – Statement of Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

By Senator Simmons

9-01150-18

20181640\_\_

1 A bill to be entitled  
 2 An act relating to vacation rentals; amending s.  
 3 212.18, F.S.; requiring persons engaged in certain  
 4 public lodging-related transactions to display a valid  
 5 certificate of registration number in rental listings  
 6 or advertisements; specifying penalties for failure to  
 7 display such certification number and who may collect  
 8 such penalty; reordering and amending s. 509.013,  
 9 F.S.; revising definitions and defining terms;  
 10 amending s. 509.032, F.S.; revising the inspection  
 11 responsibilities of the Division of Hotels and  
 12 Restaurants regarding vacation rentals; conforming a  
 13 cross-reference; revising the preemption of local  
 14 laws, ordinances, and regulations relating to vacation  
 15 rentals; amending s. 509.034, F.S.; revising the  
 16 applicability of specified public lodging provisions;  
 17 amending s. 509.101, F.S.; making a technical change;  
 18 amending s. 509.141, F.S.; specifying the point at  
 19 which a notice to depart a premises is effective;  
 20 amending s. 509.151, F.S.; making a technical change;  
 21 amending s. 509.221, F.S.; conforming a cross-  
 22 reference; making technical changes; specifying the  
 23 applicability of specified public lodging provisions  
 24 to commercial vacation rentals; amending s. 509.241,  
 25 F.S.; authorizing the division to refuse to issue or  
 26 renew or to suspend or revoke the license of a public  
 27 lodging establishment subject to a local final order  
 28 directing the establishment to cease operations;  
 29 requiring vacation rentals to display certain

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30 information in rental listings and advertisements;  
 31 amending s. 509.242, F.S.; revising the classification  
 32 of "vacation rental"; authorizing the division to  
 33 require by rule that vacation rental applicants and  
 34 licensees provide certain information; revising the  
 35 classification of "nontransient apartment"; creating  
 36 s. 509.243, F.S.; requiring transient public lodging  
 37 hosting platforms to be registered with the division;  
 38 prohibiting hosting platforms from making specified  
 39 transactions regarding unregistered public lodging  
 40 establishments; specifying registration requirements  
 41 and the depositing of fees; requiring the division to  
 42 adopt a schedule of fees; specifying the maximum fee  
 43 per hosting platform; specifying requirements relating  
 44 to agents for service of process; authorizing hosting  
 45 platforms to collect and remit state and local taxes;  
 46 specifying the records to be maintained by hosting  
 47 platforms and the transmission of such records;  
 48 requiring the division to audit such records  
 49 periodically; authorizing the division to share such  
 50 records with the Department of Revenue and counties  
 51 for specified purposes; specifying penalties; amending  
 52 s. 509.4005, F.S.; revising the applicability of  
 53 specified public lodging provisions; requiring the  
 54 Department of Revenue and specified counties to adopt  
 55 an amnesty program regarding unpaid taxes, penalties,  
 56 and interest for persons who engage in leasing,  
 57 renting, letting, or granting licenses to use a  
 58 vacation rental; specifying the requirements of such

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59 programs; specifying that certain taxes, penalties, or  
60 interest assessments are not eligible for such  
61 programs; authorizing the Department of Revenue to  
62 adopt emergency rules; specifying rule requirements;  
63 amending ss. 159.27, 212.08, 316.1955, 404.056,  
64 477.0135, 553.5041, 717.1355, and 877.24, F.S.;

65 conforming cross-references; providing effective  
66 dates.

67  
68 Be It Enacted by the Legislature of the State of Florida:

69  
70 Section 1. Paragraphs (a), (b), and (c) of subsection (3)  
71 of section 212.18, Florida Statutes, are amended to read:

72 212.18 Administration of law; registration of dealers;  
73 rules.-

74 (3) (a) A person who desires ~~desiring~~ to engage in or  
75 conduct business in this state as a dealer, or to lease, rent,  
76 or let or grant licenses in living quarters or sleeping or  
77 housekeeping accommodations in hotels, apartment houses,  
78 roominghouses, or tourist or trailer camps that are subject to  
79 tax under s. 212.03, or to lease, rent, or let or grant licenses  
80 in real property, and a person who sells or receives anything of  
81 value by way of admissions, must file with the department an  
82 application for a certificate of registration for each place of  
83 business. The application must include the names of the persons  
84 who have interests in such business and their residences, the  
85 address of the business, and other data reasonably required by  
86 the department. However, owners and operators of vending  
87 machines or newspaper rack machines are required to obtain only

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88 one certificate of registration for each county in which such  
89 machines are located. The department, by rule, may authorize a  
90 dealer that uses independent sellers to sell its merchandise to  
91 remit tax on the retail sales price charged to the ultimate  
92 consumer in lieu of having the independent seller register as a  
93 dealer and remit the tax. The department may appoint the county  
94 tax collector as the department's agent to accept applications  
95 for registrations. The application must be submitted to the  
96 department before the person, firm, copartnership, or  
97 corporation may engage in such business.

98 (b) 1. ~~The department,~~ Upon receipt of such application, the  
99 department shall grant to the applicant a separate certificate  
100 of registration for each place of business, which may be  
101 canceled by the department or its designated assistants for any  
102 failure by the certificateholder to comply with this chapter.  
103 The certificate is not assignable and is valid only for the  
104 person, firm, copartnership, or corporation to which it is  
105 issued. The certificate must be placed in a conspicuous place in  
106 the business or businesses for which it is issued and must be  
107 displayed at all times. Except as provided in this subsection, a  
108 person may not engage in business as a dealer or in leasing,  
109 renting, ~~or~~ letting, ~~or~~ granting a license ~~licenses to use~~ ~~in~~  
110 living quarters or sleeping or housekeeping accommodations in  
111 hotels, apartment houses, roominghouses, tourist or trailer  
112 camps, or real property, or sell or receive anything of value by  
113 way of admissions, without a valid certificate. A person may not  
114 receive a license from any authority within the state to engage  
115 in any such business without a valid certificate. A person may  
116 not engage in the business of selling or leasing tangible

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 117 personal property or services as a dealer; engage in leasing,  
 118 renting, ~~or~~ letting, ~~or~~ or granting a license to use licenses in  
 119 living quarters or sleeping or housekeeping accommodations in  
 120 hotels, apartment houses, roominghouses, or tourist or trailer  
 121 camps that are taxable under this chapter, or real property; or  
 122 engage in the business of selling or receiving anything of value  
 123 by way of admissions without a valid certificate.

124 2. A person engaged in leasing, renting, letting, or  
 125 granting a license to use a transient public lodging  
 126 establishment, as defined in s. 509.013, must display the  
 127 person's valid certificate of registration number in any rental  
 128 listing or advertisement for such property.

129 (c)1.a. A person who engages in acts requiring a  
 130 certificate of registration under this subsection and who fails  
 131 or refuses to register commits a misdemeanor of the first  
 132 degree, punishable as provided in s. 775.082 or s. 775.083. Such  
 133 acts are subject to injunctive proceedings as provided by law. A  
 134 person who engages in acts requiring a certificate of  
 135 registration and who fails or refuses to register is also  
 136 subject to a \$100 registration fee. However, the department may  
 137 waive the registration fee if it finds that the failure to  
 138 register was due to reasonable cause and not to willful  
 139 negligence, willful neglect, or fraud.

140 b. A person who fails to display a valid certificate of  
 141 registration number as required under subparagraph (b)2. and who  
 142 has not previously been found to be in violation of that  
 143 subparagraph is subject to a civil penalty of \$50 per day until  
 144 the person is in compliance. The penalty shall be collected by  
 145 the department.

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 146 c. A person who fails to display a valid certificate of  
 147 registration number as required under subparagraph (b)2. and who  
 148 has previously been found to be in violation of that  
 149 subparagraph is subject to a civil penalty of \$100 per day until  
 150 the person is in compliance. The penalty shall be collected by  
 151 the department.

152 2.a. A person who willfully fails to register after the  
 153 department provides notice of the duty to register as a dealer  
 154 commits a felony of the third degree, punishable as provided in  
 155 s. 775.082, s. 775.083, or s. 775.084.

156 b. The department shall provide written notice of the duty  
 157 to register to the person by personal service or by sending  
 158 notice by registered mail to the person's last known address.  
 159 The department may provide written notice by both methods  
 160 described in this sub-subparagraph.

161 Section 2. Section 509.013, Florida Statutes, is reordered  
 162 and amended to read:

163 509.013 Definitions.—As used in this chapter, the term:

164 (1) "Commercial vacation rental" means a vacation rental,  
 165 as specified in s. 509.242(1)(c), which:

166 (a) Is managed by one licensed agent under a single  
 167 license, pursuant to s. 509.251(1), for five or more vacation  
 168 rental units; or

169 (b) Is part of five or more vacation rental units under  
 170 common ownership, control, or management, either directly or  
 171 indirectly.

172 (3)-(4) "Division" means the Division of Hotels and  
 173 Restaurants of the Department of Business and Professional  
 174 Regulation.

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175 (5) "Hosting platform" means a person who advertises the  
 176 rental of transient public lodging establishments located in  
 177 this state and who receives compensation in connection with  
 178 facilitating a guest's reservation or with collecting payment  
 179 for such reservation or rental made through any online-enabled  
 180 application, software, website, or system.

181 ~~(7)(2)~~ "Operator" means the owner, licensee, proprietor,  
 182 lessee, manager, assistant manager, or appointed agent of a  
 183 public lodging establishment or public food service  
 184 establishment.

185 ~~(4)(3)~~ "Guest" means any patron, customer, tenant, lodger,  
 186 boarder, or occupant of a public lodging establishment or public  
 187 food service establishment.

188 ~~(9)(4)~~(a) "Public lodging establishment" includes a  
 189 transient public lodging establishment as defined in  
 190 subparagraph 1. and a nontransient public lodging establishment  
 191 as defined in subparagraph 2.

192 1. "Transient public lodging establishment" means the whole  
 193 or any part of a ~~any~~ unit, group of units, dwelling, building,  
 194 or group of buildings within a single complex of buildings which  
 195 is rented to guests more than three times in a calendar year for  
 196 periods of less than 30 days or 1 calendar month, whichever is  
 197 less, or which is advertised or held out to the public as a  
 198 place regularly rented to guests.

199 2. "Nontransient public lodging establishment" means the  
 200 whole or any part of a ~~any~~ unit, group of units, dwelling,  
 201 building, or group of buildings within a single complex of  
 202 buildings which is rented to guests for periods of at least 30  
 203 days or 1 calendar month, whichever is less, or which is

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204 advertised or held out to the public as a place regularly rented  
 205 to guests for periods of at least 30 days or 1 calendar month.

206  
 207 License classifications of public lodging establishments, and  
 208 the definitions therefor, are set out in s. 509.242. For the  
 209 purpose of licensure, the term does not include condominium  
 210 common elements as defined in s. 718.103.

211 (b) The following are excluded from the definitions in  
 212 paragraph (a):

213 1. Any dormitory or other living or sleeping facility  
 214 maintained by a public or private school, college, or university  
 215 for the use of students, faculty, or visitors.

216 2. Any facility certified or licensed and regulated by the  
 217 Agency for Health Care Administration or the Department of  
 218 Children and Families or other similar place regulated under s.  
 219 381.0072.

220 3. Any place renting four rental units or less, unless the  
 221 rental units are advertised or held out to the public to be  
 222 places that are regularly rented to transients. For the purposes  
 223 of this subparagraph, if a rental unit, in whole or in part, is  
 224 advertised to guests for transient occupancy via a hosting  
 225 platform, it shall be deemed "regularly rented to transients."

226 4. Any unit or group of units in a condominium,  
 227 cooperative, or timeshare plan and any individually or  
 228 collectively owned one-family, two-family, three-family, or  
 229 four-family dwelling house or dwelling unit that is rented for  
 230 periods of at least 30 days or 1 calendar month, whichever is  
 231 less, and that is not advertised or held out to the public as a  
 232 place regularly rented for periods of less than 1 calendar

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233 month, provided that no more than four rental units within a  
 234 single complex of buildings are available for rent. For purposes  
 235 of this subparagraph, if a rental unit, in whole or in part, is  
 236 advertised to guests for transient occupancy via a hosting  
 237 platform, it shall be deemed "regularly rented for periods of  
 238 less than 1 calendar month."

239 5. Any migrant labor camp or residential migrant housing  
 240 permitted by the Department of Health under ss. 381.008-  
 241 381.00895.

242 6. Any establishment inspected by the Department of Health  
 243 and regulated by chapter 513.

244 7. Any nonprofit organization that operates a facility  
 245 providing housing only to patients, patients' families, and  
 246 patients' caregivers and not to the general public.

247 8. Any apartment building inspected by the United States  
 248 Department of Housing and Urban Development or other entity  
 249 acting on the department's behalf that is designated primarily  
 250 as housing for persons at least 62 years of age. The division  
 251 may require the operator of the apartment building to attest in  
 252 writing that such building meets the criteria provided in this  
 253 subparagraph. The division may adopt rules to implement this  
 254 requirement.

255 9. Any roominghouse, boardinghouse, or other living or  
 256 sleeping facility that may not be classified as a hotel, motel,  
 257 timeshare project, vacation rental, nontransient apartment, bed  
 258 and breakfast inn, or transient apartment under s. 509.242.

259 (8)(5)(a) "Public food service establishment" means any  
 260 building, vehicle, place, or structure, or any room or division  
 261 in a building, vehicle, place, or structure where food is

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262 prepared, served, or sold for immediate consumption on or in the  
 263 vicinity of the premises; called for or taken out by customers;  
 264 or prepared ~~before~~ prior to being delivered to another location  
 265 for consumption. The term includes a culinary education program,  
 266 as defined in s. 381.0072(2), which offers, prepares, serves, or  
 267 sells food to the general public, regardless of whether it is  
 268 inspected by another state agency for compliance with sanitation  
 269 standards.

270 (b) The following are excluded from the definition in  
 271 paragraph (a):

272 1. Any place maintained and operated by a public or private  
 273 school, college, or university:

274 a. For the use of students and faculty; or

275 b. Temporarily to serve such events as fairs, carnivals,  
 276 food contests, cook-offs, and athletic contests.

277 2. Any eating place maintained and operated by a church or  
 278 a religious, nonprofit fraternal, or nonprofit civic  
 279 organization:

280 a. For the use of members and associates; or

281 b. Temporarily to serve such events as fairs, carnivals,  
 282 food contests, cook-offs, or athletic contests.

283  
 284 Upon request by the division, a church or a religious, nonprofit  
 285 fraternal, or nonprofit civic organization claiming an exclusion  
 286 under this subparagraph must provide the division documentation  
 287 of its status as a church or a religious, nonprofit fraternal,  
 288 or nonprofit civic organization.

289 3. Any eating place maintained and operated by an  
 290 individual or entity at a food contest, cook-off, or a temporary

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291 event lasting from 1 to 3 days which is hosted by a church or a  
 292 religious, nonprofit fraternal, or nonprofit civic organization.  
 293 Upon request by the division, the event host must provide the  
 294 division documentation of its status as a church or a religious,  
 295 nonprofit fraternal, or nonprofit civic organization.  
 296 4. Any eating place located on an airplane, train, bus, or  
 297 watercraft which is a common carrier.  
 298 5. Any eating place maintained by a facility certified or  
 299 licensed and regulated by the Agency for Health Care  
 300 Administration or the Department of Children and Families or  
 301 other similar place that is regulated under s. 381.0072.  
 302 6. Any place of business issued a permit or inspected by  
 303 the Department of Agriculture and Consumer Services under s.  
 304 500.12.  
 305 7. Any place of business where the food available for  
 306 consumption is limited to ice, beverages with or without  
 307 garnishment, popcorn, or prepackaged items sold without  
 308 additions or preparation.  
 309 8. Any theater, if the primary use is as a theater and if  
 310 patron service is limited to food items customarily served to  
 311 the admittees of theaters.  
 312 9. Any vending machine that dispenses any food or beverages  
 313 other than potentially hazardous foods, as defined by division  
 314 rule.  
 315 10. Any vending machine that dispenses potentially  
 316 hazardous food and which is located in a facility regulated  
 317 under s. 381.0072.  
 318 11. Any research and development test kitchen limited to  
 319 the use of employees and which is not open to the general

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320 public.  
 321 ~~(2)(6)~~ "Director" means the Director of the Division of  
 322 Hotels and Restaurants of the Department of Business and  
 323 Professional Regulation.  
 324 ~~(10)(7)~~ "Single complex of buildings" means all buildings  
 325 or structures that are owned, managed, controlled, or operated  
 326 under one business name and are situated on the same tract or  
 327 plot of land that is not separated by a public street or  
 328 highway.  
 329 ~~(11)(8)~~ "Temporary food service event" means any event of  
 330 30 days or less in duration where food is prepared, served, or  
 331 sold to the general public.  
 332 ~~(12)(9)~~ "Theme park" or "entertainment complex" means a  
 333 complex consisting ~~comprised~~ of at least 25 contiguous acres  
 334 owned and controlled by the same business entity and which  
 335 contains permanent exhibitions and a variety of recreational  
 336 activities and has a minimum of 1 million visitors annually.  
 337 ~~(13)(10)~~ "Third-party provider" means, for purposes of s.  
 338 509.049, any provider of an approved food safety training  
 339 program that provides training or such a training program to a  
 340 public food service establishment that is not under common  
 341 ownership or control with the provider.  
 342 ~~(11) "Transient establishment" means any public lodging~~  
 343 ~~establishment that is rented or leased to guests by an operator~~  
 344 ~~whose intention is that such guests' occupancy will be~~  
 345 ~~temporary.~~  
 346 ~~(14)(12)~~ "Transient occupancy" means any occupancy in which  
 347 when it is the intention of the parties that the operator  
 348 prohibits the guest from using the occupied lodging as the

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349 guest's sole residence, as stated in the written rental  
 350 agreement occupancy will be temporary. If the written rental  
 351 agreement does not contain such a provision or no written rental  
 352 agreement exists, there is a rebuttable presumption that, when  
 353 the occupied lodging dwelling unit occupied is not the sole  
 354 residence of the guest, the occupancy is transient.  
 355 ~~(13) "Transient" means a guest in transient occupancy.~~  
 356 ~~(14) "Nontransient establishment" means any public lodging~~  
 357 ~~establishment that is rented or leased to guests by an operator~~  
 358 ~~whose intention is that the dwelling unit occupied will be the~~  
 359 ~~sole residence of the guest.~~  
 360 (6)(15) "Nontransient occupancy" means any occupancy in  
 361 which when it is the intention of the parties that such the  
 362 occupancy will not be temporary. If a written rental agreement  
 363 between the parties states that the operator permits the guest  
 364 to use the occupied lodging as the guest's sole residence and if  
 365 such agreement is for a term greater than 30 days, there is a  
 366 rebuttable presumption that the occupancy is nontransient. If  
 367 the written rental agreement does not contain such provisions,  
 368 or no written rental agreement exists, there is a rebuttable  
 369 presumption that, when the occupied lodging dwelling unit  
 370 occupied is the sole residence of the guest, the occupancy is  
 371 nontransient.  
 372 ~~(16) "Nontransient" means a guest in nontransient~~  
 373 ~~occupancy.~~  
 374 Section 3. Paragraph (a) of subsection (2) and paragraph  
 375 (c) of subsection (3) of section 509.032, Florida Statutes, are  
 376 amended to read:  
 377 509.032 Duties.—

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378 (2) INSPECTION OF PREMISES.—  
 379 (a) The division has jurisdiction and is responsible for  
 380 all inspections required by this chapter. The division is  
 381 responsible for quality assurance. Beyond the specific  
 382 inspection frequencies provided for in this paragraph, each  
 383 establishment licensed by the division shall be inspected at  
 384 such other times as the division determines is necessary to  
 385 ensure the public health, safety, and welfare.  
 386 1. The division shall inspect each licensed public lodging  
 387 establishment, including commercial vacation rentals, at least  
 388 biannually, except for transient and nontransient apartments,  
 389 which shall be inspected at least annually. Each establishment  
 390 licensed by the division shall be inspected at such other times  
 391 as the division determines is necessary to ensure the public's  
 392 health, safety, and welfare. The division shall adopt by rule a  
 393 risk-based inspection frequency for each licensed public food  
 394 service establishment. The rule must require at least one, but  
 395 not more than four, routine inspections that must be performed  
 396 annually, and may include guidelines that consider the  
 397 inspection and compliance history of a public food service  
 398 establishment, the type of food and food preparation, and the  
 399 type of service. The division shall reassess the inspection  
 400 frequency of all licensed public food service establishments at  
 401 least annually. Public lodging units classified as vacation  
 402 rentals or timeshare projects, except commercial vacation  
 403 rentals, are not subject to this requirement but must shall be  
 404 made available to the division upon request. If, during the  
 405 inspection of a public lodging establishment classified for  
 406 renting to transient or nontransient tenants, an inspector

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407 identifies vulnerable adults who appear to be victims of  
 408 neglect, as defined in s. 415.102, or, in the case of a building  
 409 that is not equipped with automatic sprinkler systems, tenants  
 410 or clients who may be unable to self-preserve in an emergency,  
 411 the division shall convene meetings with the following agencies  
 412 as appropriate to the individual situation: the Department of  
 413 Health, the Department of Elderly Affairs, the area agency on  
 414 aging, the local fire marshal, the landlord and affected tenants  
 415 and clients, and other relevant organizations, to develop a plan  
 416 that improves the prospects for safety of affected residents  
 417 and, if necessary, identifies alternative living arrangements  
 418 such as facilities licensed under part II of chapter 400 or  
 419 under chapter 429.

420 2. The division shall adopt by rule a risk-based inspection  
 421 frequency for each licensed public food service establishment.  
 422 The rule must require at least one, but not more than four,  
 423 routine inspections that must be performed annually, and may  
 424 include guidelines that consider the inspection and compliance  
 425 history of a public food service establishment, the type of food  
 426 and food preparation, and the type of service. The division  
 427 shall reassess the inspection frequency of all licensed public  
 428 food service establishments at least annually.

429 (3) SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD SERVICE  
 430 EVENTS.—The division shall:

431 (c) Administer a public notification process for temporary  
 432 food service events and distribute educational materials that  
 433 address safe food storage, preparation, and service procedures.

434 1. Sponsors of temporary food service events shall notify  
 435 the division not less than 3 days before the scheduled event of

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436 the type of food service proposed, the time and location of the  
 437 event, a complete list of food service vendors participating in  
 438 the event, the number of individual food service facilities each  
 439 vendor will operate at the event, and the identification number  
 440 of each food service vendor's current license as a public food  
 441 service establishment or temporary food service event licensee.  
 442 Notification may be completed orally, by telephone, in person,  
 443 or in writing. A public food service establishment or food  
 444 service vendor may not use this notification process to  
 445 circumvent the license requirements of this chapter.

446 2. The division shall keep a record of all notifications  
 447 received for proposed temporary food service events and shall  
 448 provide appropriate educational materials to the event sponsors  
 449 and notify the event sponsors of the availability of the food-  
 450 recovery brochure developed under s. 595.420.

451 3.a. Unless excluded under s. 509.013(8)(b) ~~or~~  
 452 ~~509.013(5)(b)~~, a public food service establishment or other food  
 453 service vendor must obtain one of the following classes of  
 454 license from the division: an individual license, for a fee of  
 455 no more than \$105, for each temporary food service event in  
 456 which it participates; or an annual license, for a fee of no  
 457 more than \$1,000, that entitles the licensee to participate in  
 458 an unlimited number of food service events during the license  
 459 period. The division shall establish license fees, by rule, and  
 460 may limit the number of food service facilities a licensee may  
 461 operate at a particular temporary food service event under a  
 462 single license.

463 b. Public food service establishments holding current  
 464 licenses from the division may operate under the regulations of

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465 such a license at temporary food service events.

466 Section 4. Effective upon this act becoming a law,

467 paragraph (b) of subsection (7) of section 509.032, Florida

468 Statutes, is amended to read:

469 509.032 Duties.—

470 (7) PREEMPTION AUTHORITY.—

471 (b) 1. A local law, ordinance, or regulation may not

472 prohibit vacation rentals or regulate the duration or frequency

473 of rental of vacation rentals. However, a local government may

474 regulate activities:

475 a. That arise when a property is used as a vacation rental,

476 provided such regulation applies uniformly to all residential

477 properties without regard to whether the property is used as a

478 vacation rental as defined in s. 509.242 or long-term rental

479 subject to part II of chapter 83 or whether a property owner

480 chooses not to rent the property.

481 b. In single-family residences in which the owner does not

482 personally occupy at least a portion of the residence where

483 vacation rental activities are occurring.

484 2. A vacation rental owner shall submit to the local

485 jurisdiction a copy of the vacation rental license required

486 under chapter 509, a copy of the certificate of registration

487 required under s. 212.18, and the owner's emergency contact

488 information. The submission of such documents and information is

489 for informational purposes only. The local jurisdiction may not

490 assess a fee for the submission.

491 3. This paragraph does not apply to any local law,

492 ordinance, or regulation adopted on or before June 1, 2011,

493 including when such law, ordinance, or regulation is being

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494 ~~amended to be less restrictive.~~

495 Section 5. Section 509.034, Florida Statutes, is amended to

496 read:

497 509.034 Application.—Sections 509.141-509.162 and 509.401-

498 509.417 apply only to guests in transient occupancy in a

499 licensed public lodging establishment transients only. This

500 chapter may not be used to circumvent the procedural

501 requirements of the Florida Residential Landlord and Tenant Act.

502 Section 6. Subsection (2) of section 509.101, Florida

503 Statutes, is amended to read:

504 509.101 Establishment rules; posting of notice; food

505 service inspection report; maintenance of guest register; mobile

506 food dispensing vehicle registry.—

507 (2) It is the duty of each operator of a transient public

508 lodging establishment to maintain at all times a register,

509 signed by or for guests who occupy rental units within the

510 establishment, showing the dates upon which the rental units

511 were occupied by such guests and the rates charged for their

512 occupancy. This register shall be maintained in chronological

513 order and available for inspection by the division at any time.

514 Operators need not make available registers which are more than

515 2 years old.

516 Section 7. Subsections (2), (3), and (4) of section

517 509.141, Florida Statutes, are amended to read:

518 509.141 Refusal of admission and ejection of undesirable

519 guests; notice; procedure; penalties for refusal to leave.—

520 (2) The operator of any public lodging establishment or

521 public food service establishment shall notify such guest that

522 the establishment no longer desires to entertain the guest and

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 523 shall request that such guest immediately depart from the  
 524 establishment. Such notice may be given orally or in writing.  
 525 The notice shall be effective upon the operator's delivery of  
 526 the notice, whether in person, via a telephonic or electronic  
 527 communications medium using the contact information provided by  
 528 the guest, or, with respect to a public lodging establishment,  
 529 upon delivery to the guest's lodging unit. If the notice is in  
 530 writing, it shall be as follows:

531  
 532 "You are hereby notified that this establishment no longer  
 533 desires to entertain you as its guest, and you are requested to  
 534 leave at once. To remain after receipt of this notice is a  
 535 misdemeanor under the laws of this state."  
 536

537 If such guest has paid in advance, the establishment shall, at  
 538 the time such notice is given, tender to such guest the unused  
 539 portion of the advance payment; however, the establishment may  
 540 withhold payment for each full day that the guest has been  
 541 entertained at the establishment for any portion of the 24-hour  
 542 period of such day.

543 (3) Any guest who remains or attempts to remain in any such  
 544 establishment after the operator's request to depart pursuant to  
 545 subsection (2) being requested to leave is guilty of a  
 546 misdemeanor of the second degree, punishable as provided in s.  
 547 775.082 or s. 775.083.

548 (4) If any ~~guest person is~~ illegally remains on the  
 549 premises of any public lodging establishment or public food  
 550 service establishment after the operator's request to depart  
 551 pursuant to subsection (2), the operator of such establishment

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 552 may call upon any law enforcement officer of this state for  
 553 assistance. It is the duty of such law enforcement officer, upon  
 554 the request of such operator, to place under arrest and take  
 555 into custody for violation of this section any guest who  
 556 violates subsection (3) in the presence of the officer. If a  
 557 warrant has been issued by the proper judicial officer for the  
 558 arrest of any violator of subsection (3), the officer shall  
 559 serve the warrant, arrest the person, and take the person into  
 560 custody. Upon arrest, with or without warrant, the guest will be  
 561 deemed to have given up any right to occupancy or to have  
 562 abandoned such right of occupancy of the premises, and the  
 563 operator of the establishment may then make such premises  
 564 available to other guests. However, the operator of the  
 565 establishment shall employ all reasonable and proper means to  
 566 care for any personal property which may be left on the premises  
 567 by such guest and shall refund any unused portion of moneys paid  
 568 by such guest for the occupancy of such premises.

569 Section 8. Subsection (1) of section 509.151, Florida  
 570 Statutes, is amended to read:

571 509.151 Obtaining food or lodging with intent to defraud;  
 572 penalty.—

573 (1) Any person who obtains food, lodging, or other  
 574 accommodations having a value of less than \$300 at any public  
 575 food service establishment, or at any transient public lodging  
 576 establishment, with intent to defraud the operator thereof, is  
 577 guilty of a misdemeanor of the second degree, punishable as  
 578 provided in s. 775.082 or s. 775.083; if such food, lodging, or  
 579 other accommodations have a value of \$300 or more, such person  
 580 is guilty of a felony of the third degree, punishable as

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581 provided in s. 775.082, s. 775.083, or s. 775.084.

582 Section 9. Paragraphs (b) and (c) of subsection (2) and

583 subsections (6) and (9) of section 509.221, Florida Statutes,

584 are amended to read:

585 509.221 Sanitary regulations.—

586 (2)

587 (b) Within a theme park or an entertainment complex as

588 defined in s. 509.013(12) ~~s. 509.013(9)~~, the bathrooms are not

589 required to be in the same building as the public food service

590 establishment, so long as they are reasonably accessible.

591 (c) Each transient public lodging establishment that does

592 not provide private or connecting bathrooms shall maintain one

593 public bathroom on each floor for every 15 guests, or major

594 fraction of that number, rooming on that floor.

595 (6) Each transient public lodging establishment shall

596 provide each bed, bunk, cot, or other sleeping place for the use

597 of guests with clean pillowslips and under and top sheets.

598 Sheets and pillowslips shall be laundered before they are used

599 by another guest, a clean set being furnished each succeeding

600 guest. All bedding, including mattresses, quilts, blankets,

601 pillows, sheets, and comforters, shall be thoroughly aired,

602 disinfected, and kept clean. Bedding, including mattresses,

603 quilts, blankets, pillows, sheets, or comforters, may not be

604 used if they are worn out or unfit for further use.

605 (9) Subsections (2), (5), and (6) do not apply to any

606 facility or unit classified as a vacation rental, nontransient

607 apartment, or timeshare project as described in s.

608 509.242(1)(c), (d), and (g). Subsections (2), (5), and (6) shall

609 apply, however, to any commercial vacation rental.

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610 Section 10. Subsections (1) and (3) of section 509.241,

611 Florida Statutes, are amended to read:

612 509.241 Licenses required; exceptions.—

613 (1) LICENSES; ANNUAL RENEWALS.— Each public lodging

614 establishment and public food service establishment shall obtain

615 a license from the division. Such license may not be transferred

616 from one place or individual to another. It shall be a

617 misdemeanor of the second degree, punishable as provided in s.

618 775.082 or s. 775.083, for such an establishment to operate

619 without a license. Local law enforcement shall provide immediate

620 assistance in pursuing an illegally operating establishment. The

621 division may refuse a license, or a renewal thereof, to any

622 establishment that is not constructed and maintained in

623 accordance with law and with the rules of the division. The

624 division may refuse to issue a license, or a renewal thereof, to

625 any establishment an operator of which, within the preceding 5

626 years, has been adjudicated guilty of, or has forfeited a bond

627 when charged with, any crime reflecting on professional

628 character, including soliciting for prostitution, pandering,

629 letting premises for prostitution, keeping a disorderly place,

630 or illegally dealing in controlled substances as defined in

631 chapter 893, whether in this state or in any other jurisdiction

632 within the United States, or has had a license denied, revoked,

633 or suspended pursuant to s. 429.14. The division may refuse to

634 issue, refuse to renew, suspend, or revoke the license of any

635 public lodging establishment that is the subject of a final

636 order from a local government directing the public lodging

637 establishment to cease operations due to violation of a local

638 ordinance. Licenses shall be renewed annually, and the division

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 639 shall adopt a rule establishing a staggered schedule for license  
 640 renewals. If any license expires while administrative charges  
 641 are pending against the license, the proceedings against the  
 642 license shall continue to conclusion as if the license were  
 643 still in effect.

644 (3) DISPLAY OF LICENSE.— Any license issued by the division  
 645 shall be conspicuously displayed in the office or lobby of the  
 646 licensed establishment. Public food service establishments that  
 647 ~~which~~ offer catering services shall display their license number  
 648 on all advertising for catering services. A vacation rental  
 649 operator shall display the vacation rental's license number in  
 650 all rental listings or advertisements, and, if the operator is  
 651 offering for rent the whole or any portion of a unit or dwelling  
 652 through the rental listing or advertisement, the operator shall  
 653 also display the physical address of the property, including any  
 654 unit designation.

655 Section 11. Paragraphs (c) and (d) of subsection (1) of  
 656 section 509.242, Florida Statutes, are amended to read:

657 509.242 Public lodging establishments; classifications.—

658 (1) A public lodging establishment shall be classified as a  
 659 hotel, motel, nontransient apartment, transient apartment, bed  
 660 and breakfast inn, timeshare project, or vacation rental if the  
 661 establishment satisfies the following criteria:

662 (c) *Vacation rental*.—A vacation rental is the whole or any  
 663 part of a ~~any~~ unit or group of units in a condominium or  
 664 cooperative or in an ~~any~~ individually or collectively owned  
 665 single-family, two-family, three-family, or four-family house or  
 666 dwelling unit that is also a transient public lodging  
 667 establishment but that is not a timeshare project. The division

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 668 may require by rule that applicants and licensees provide all  
 669 information necessary to determine common ownership, control, or  
 670 management of vacation rentals.

671 (d) *Nontransient apartment*.—A nontransient apartment is a  
 672 building or complex of buildings in which 75 percent or more of  
 673 the units are advertised or held out to the public as ~~are~~  
 674 available for ~~rent to~~ nontransient occupancy tenants.

675 Section 12. Section 509.243, Florida Statutes, is created  
 676 to read:

677 509.243 Hosting platforms for transient public lodging  
 678 establishments.—

679 (1) The operator of a transient public lodging  
 680 establishment located in this state may not advertise or list  
 681 its rental properties with a hosting platform unless the hosting  
 682 platform is registered with the division pursuant to this  
 683 section.

684 (2) A hosting platform may not advertise for rent,  
 685 facilitate a guest's reservation, or collect payments for the  
 686 reservation or rental of a public lodging establishment that is  
 687 not licensed by the division as required by s. 509.241.

688 (3) A person may not operate as a hosting platform for  
 689 transient public lodging establishments located in this state  
 690 unless registered with the division pursuant to this section.  
 691 The division will issue a registration to each person who meets  
 692 the requirements of this section and who pays the required  
 693 registration fee, to be deposited into the Hotel and Restaurant  
 694 Trust Fund. The division shall adopt by rule a schedule of fees  
 695 to be paid by each hosting platform as a prerequisite to  
 696 issuance or renewal of a registration. Such fees shall be based

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697 upon the number of transient public lodging establishments  
 698 served by the hosting platform. The aggregate annual  
 699 registration fee per hosting platform may not exceed \$1,000.  
 700 (4) A hosting platform must designate and maintain on file  
 701 with the division an agent for service of process in this state.  
 702 If the registered agent cannot, with reasonable diligence, be  
 703 located, or if the hosting platform fails to designate or  
 704 maintain a registered agent in this state, the director of the  
 705 division will be deemed an agent of the hosting platform for  
 706 purposes of accepting service of any process, notice, or demand.  
 707 (5) A hosting platform may collect and remit state and  
 708 local taxes on behalf of the operators of the public lodging  
 709 establishments which it serves.  
 710 (6) A hosting platform must maintain records, in accordance  
 711 with rules adopted by the division, listing each transient  
 712 public lodging establishment that it serves, the name of the  
 713 operator, the transient public lodging establishment's license  
 714 number and physical address, including any unit designation, and  
 715 the applicable certificate of registration number under s.  
 716 212.18. For each transient public lodging establishment, these  
 717 records must also detail each period of rental reserved through  
 718 the hosting platform and the itemized amounts collected from the  
 719 guest by the hosting platform for the rental, taxes, and all  
 720 other charges. These records must be maintained by the hosting  
 721 platform for a period of 3 years and must be transmitted to the  
 722 division every 3 months in an electronic format, in accordance  
 723 with rules adopted by the division. The division shall audit  
 724 such records at least annually to enforce compliance with this  
 725 chapter. The division may share such records with the Department

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726 of Revenue and any county that administers a tax imposed under  
 727 chapter 125 or chapter 212 for purposes of enforcing compliance  
 728 with those chapters.  
 729 (7) A hosting platform that has operated or is operating in  
 730 violation of this section or the rules of the division may be  
 731 subject by the division to fines not to exceed \$1,000 per  
 732 offense and to suspension, revocation, or refusal of a  
 733 registration issued pursuant to this section.  
 734 Section 13. Section 509.4005, Florida Statutes, is amended  
 735 to read:  
 736 509.4005 Applicability of ss. 509.401-509.417.—Sections  
 737 509.401-509.417 apply only to guests in transient occupancy in a  
 738 licensed public lodging establishment.  
 739 Section 14. (1) The Department of Revenue, and any county  
 740 that administers a tax imposed under chapter 125 or chapter 212,  
 741 Florida Statutes, shall provide an amnesty program for unpaid  
 742 taxes, penalties, and interest for persons who engage in  
 743 leasing, renting, letting, or granting licenses to use a  
 744 vacation rental, as defined in s. 509.242, Florida Statutes,  
 745 subject to all of the following conditions:  
 746 (a) A customer's payment for the vacation rental must have  
 747 been made before October 1, 2018.  
 748 (b) By October 1, 2018, the person who collects rental  
 749 payments must be registered with the department to collect taxes  
 750 on vacation rentals.  
 751 (c) By October 1, 2018, the person who collects rental  
 752 payments must apply for amnesty pursuant to rules adopted by the  
 753 department.  
 754 (d) The owners, operators, or managers of the vacation

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755 rental must have collected the rental payments.  
 756 (e) Taxes may not have been collected from any customer to  
 757 occupy a vacation rental.

758 (2) The amnesty program is not available for taxes,  
 759 penalties, or interest assessed if the assessment is final and  
 760 has not been timely challenged, or for any taxes, penalties, or  
 761 interest that have been paid to the department, unless the  
 762 payment is the subject of an assessment that is not final or  
 763 that has been timely challenged.

764 (3) The department may adopt emergency rules under ss.  
 765 120.536(1) and 120.54(4), Florida Statutes, to implement the  
 766 amnesty program. Such rules may provide forms, procedures,  
 767 terms, conditions, and methods of payment appropriate for the  
 768 fair and effective administration of the amnesty program and  
 769 that ensure taxpayers' ongoing commitment to proper collection  
 770 and remittance of taxes. Notwithstanding any other law, the  
 771 emergency rules remain in effect until 6 months after their  
 772 adoption or the date all amnesty application files are resolved  
 773 pursuant to this section, whichever is later.

774 Section 15. Subsection (12) of section 159.27, Florida  
 775 Statutes, is amended to read:

776 159.27 Definitions.—The following words and terms, unless  
 777 the context clearly indicates a different meaning, shall have  
 778 the following meanings:

779 (12) "Public lodging or restaurant facility" means property  
 780 used for any public lodging establishment as defined in s.  
 781 509.242 or public food service establishment as defined in s.  
 782 509.013 ~~s. 509.013(5)~~ if it is part of the complex of, or  
 783 necessary to, another facility qualifying under this part.

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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784 Section 16. Paragraph (jj) of subsection (7) of section  
 785 212.08, Florida Statutes, is amended to read:

786 212.08 Sales, rental, use, consumption, distribution, and  
 787 storage tax; specified exemptions.—The sale at retail, the  
 788 rental, the use, the consumption, the distribution, and the  
 789 storage to be used or consumed in this state of the following  
 790 are hereby specifically exempt from the tax imposed by this  
 791 chapter.

792 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any  
 793 entity by this chapter do not inure to any transaction that is  
 794 otherwise taxable under this chapter when payment is made by a  
 795 representative or employee of the entity by any means,  
 796 including, but not limited to, cash, check, or credit card, even  
 797 when that representative or employee is subsequently reimbursed  
 798 by the entity. In addition, exemptions provided to any entity by  
 799 this subsection do not inure to any transaction that is  
 800 otherwise taxable under this chapter unless the entity has  
 801 obtained a sales tax exemption certificate from the department  
 802 or the entity obtains or provides other documentation as  
 803 required by the department. Eligible purchases or leases made  
 804 with such a certificate must be in strict compliance with this  
 805 subsection and departmental rules, and any person who makes an  
 806 exempt purchase with a certificate that is not in strict  
 807 compliance with this subsection and the rules is liable for and  
 808 shall pay the tax. The department may adopt rules to administer  
 809 this subsection.

810 (jj) *Complimentary meals*.—Also exempt from the tax imposed  
 811 by this chapter are food or drinks that are furnished as part of  
 812 a packaged room rate by any person offering for rent or lease

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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813 any transient living accommodations as described in s.  
 814 509.013(9)(a) ~~s. 509.013(4)(a)~~ which are licensed under part I  
 815 of chapter 509 and which are subject to the tax under s. 212.03,  
 816 if a separate charge or specific amount for the food or drinks  
 817 is not shown. Such food or drinks are considered to be sold at  
 818 retail as part of the total charge for the transient living  
 819 accommodations. Moreover, the person offering the accommodations  
 820 is not considered to be the consumer of items purchased in  
 821 furnishing such food or drinks and may purchase those items  
 822 under conditions of a sale for resale.

823 Section 17. Paragraph (b) of subsection (4) of section  
 824 316.1955, Florida Statutes, is amended to read:

825 316.1955 Enforcement of parking requirements for persons  
 826 who have disabilities.—

827 (4)

828 (b) Notwithstanding paragraph (a), a theme park or an  
 829 entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~  
 830 which provides parking in designated areas for persons who have  
 831 disabilities may allow any vehicle that is transporting a person  
 832 who has a disability to remain parked in a space reserved for  
 833 persons who have disabilities throughout the period the theme  
 834 park is open to the public for that day.

835 Section 18. Subsection (5) of section 404.056, Florida  
 836 Statutes, is amended to read:

837 404.056 Environmental radiation standards and projects;  
 838 certification of persons performing measurement or mitigation  
 839 services; mandatory testing; notification on real estate  
 840 documents; rules.—

841 (5) NOTIFICATION ON REAL ESTATE DOCUMENTS.—Notification

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842 shall be provided on at least one document, form, or application  
 843 executed at the time of, or prior to, contract for sale and  
 844 purchase of any building or execution of a rental agreement for  
 845 any building. Such notification shall contain the following  
 846 language:

847

848 "RADON GAS: Radon is a naturally occurring radioactive gas  
 849 that, when it has accumulated in a building in sufficient  
 850 quantities, may present health risks to persons who are exposed  
 851 to it over time. Levels of radon that exceed federal and state  
 852 guidelines have been found in buildings in Florida. Additional  
 853 information regarding radon and radon testing may be obtained  
 854 from your county health department."

855

856 The requirements of this subsection do not apply to any  
 857 residential transient occupancy, as described in s. 509.013(14)  
 858 ~~s. 509.013(12)~~, provided that such occupancy is 45 days or less  
 859 in duration.

860 Section 19. Subsection (6) of section 477.0135, Florida  
 861 Statutes, is amended to read:

862 477.0135 Exemptions.—

863 (6) A license is not required of any individual providing  
 864 makeup or special effects services in a theme park or an  
 865 entertainment complex to an actor, stunt person, musician,  
 866 extra, or other talent, or providing makeup or special effects  
 867 services to the general public. The terms term "theme park" or  
 868 "entertainment complex" have has the same meaning as in s.  
 869 509.013 ~~s. 509.013(9)~~.

870 Section 20. Paragraph (b) of subsection (5) of section

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871 553.5041, Florida Statutes, is amended to read:

872 553.5041 Parking spaces for persons who have disabilities.—

873 (5) Accessible perpendicular and diagonal accessible

874 parking spaces and loading zones must be designed and located to

875 conform to ss. 502 and 503 of the standards.

876 (b) If there are multiple entrances or multiple retail

877 stores, the parking spaces must be dispersed to provide parking

878 at the nearest accessible entrance. If a theme park or an

879 entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~

880 provides parking in several lots or areas from which access to

881 the theme park or entertainment complex is provided, a single

882 lot or area may be designated for parking by persons who have

883 disabilities, if the lot or area is located on the shortest

884 accessible route to an accessible entrance to the theme park or

885 entertainment complex or to transportation to such an accessible

886 entrance.

887 Section 21. Section 717.1355, Florida Statutes, is amended

888 to read:

889 717.1355 Theme park and entertainment complex tickets.—This

890 chapter does not apply to any tickets for admission to a theme

891 park or an entertainment complex as defined in s. 509.013 ~~s.~~

892 ~~509.013(9)~~, or to any tickets to a permanent exhibition or

893 recreational activity within such theme park or entertainment

894 complex.

895 Section 22. Subsection (8) of section 877.24, Florida

896 Statutes, is amended to read:

897 877.24 Nonapplication of s. 877.22.—Section 877.22 does not

898 apply to a minor who is:

899 (8) Attending an organized event held at and sponsored by a

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900 theme park or an entertainment complex as defined in s. 509.013

901 ~~s. 509.013(9)~~.

902 Section 23. Except as otherwise expressly provided in this

903 act and except for this section, which shall take effect upon

904 this act becoming a law, this act shall take effect October 1,

905 2018.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: SB 1328

INTRODUCER: Senator Perry

SUBJECT: Affordable Housing

DATE: January 29, 2018

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Present	Yeatman	CA	<b>Favorable</b>
2.			ATD	
3.			AP	

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**I. Summary:**

SB 1328 revises several statutes relating to and creates new programs to facilitate the creation of affordable housing in Florida.

The bill creates the Hurricane Housing Recovery Program (HHRP) and the Recovery Rental Loan Program (RRLP) to expedite the creation of additional affordable housing in response to the needs created by the recent hurricanes. For the 2018-2019 fiscal year, an estimated \$64 million from the Local Government Housing Trust Fund and the State Housing Trust Fund is appropriated to the Florida Housing Finance Corporation for affordable housing hurricane recovery programs. Florida Housing Finance Corporation will use the appropriation to fund the HHRP and RRLP.

Additionally, the bill requires the Department of Environmental Protection, the Department of Transportation, and the Water Management Districts, in conjunction with the Florida Housing Finance Corporation, to evaluate all nonconservation surplus lands for suitability for residential use and the development of permanently affordable housing and offer such parcels to the county or municipality where the land is located. The bill provides for additional evaluation criteria intended to address specific needs and characteristics for the development of affordable housing.

The bill prohibits a county or municipality from charging impact fees and mobility fees for the development of affordable housing for a 5-year period beginning July 1, 2018.

The bill also provides for an expedited local permit approval process for affordable housing by reducing the time a local government entity has to approve or deny permit applications from 120 days to 60 days.

## II. Present Situation:

The present situation is included in the Effect of Proposed Changes.

## III. Effect of Proposed Changes:

### Affordable Housing

#### *Present Situation*

Affordable housing is defined in terms of household income. Housing is considered affordable when monthly rent or mortgage payments including taxes and insurance do not exceed 30 percent of the household income.<sup>1</sup> Resident eligibility for Florida's state and federally funded housing programs is typically governed by area median income (AMI) levels, published annually by the U.S. Department of Housing and Urban Development (HUD) for every county and metropolitan area. The following are standard household income level definitions and their relationship to the 2017 Florida state median of \$59,000 for a family of four (as family size increases or decreases, the income range also increases or decreases):<sup>2</sup>

- Extremely low income – earning up to 30 percent AMI (at or below \$17,700);<sup>3</sup>
- Very low income – earning from 30.01 to 50 percent AMI (\$17,701 to \$29,500);<sup>4</sup>
- Low income – earning from 50.01 to 80 percent AMI (\$29,501 to \$47,200);<sup>5</sup> and
- Moderate income – earning from 80.01 to 120 percent of AMI (\$47,201 to \$70,800).<sup>6</sup>

The two primary state housing assistance programs are the State Housing Initiatives Partnership (SHIP)<sup>7</sup> and the State Apartment Incentive Loan (SAIL)<sup>8</sup> programs. The SHIP program provides funds to eligible local governments, allocated using a population-based formula, to address local housing needs as adopted in the Local Housing Assistance Plan. Eligible local government entities must develop and adopt local housing assistance plans that include, but are not limited to, strategies and incentives for the construction, rehabilitation, repair, or financing of affordable housing production.<sup>9</sup> The SAIL program provides low interest loans on a competitive basis as gap financing for the construction or substantial rehabilitation of multifamily affordable housing developments.<sup>10</sup>

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<sup>1</sup> Section 420.9071(2), F.S. Public housing, commonly referred to as Section 8 Housing, is provided by local housing agencies (HAs) for low-income residents. Funding for HAs is provided directly from HUD.

<sup>2</sup> U.S. Department of Housing and Urban Development, Office of Policy Research and Development, *FY 2017 HUD Income Limits Briefing Material*, p. 38, available at <https://www.huduser.gov/portal/datasets/il/il17/IncomeLimitsBriefingMaterial-FY17.pdf>.

<sup>3</sup> Section 420.0004(9), F.S.

<sup>4</sup> Section 420.9071(28), F.S.

<sup>5</sup> Section 420.9071(19), F.S.

<sup>6</sup> Section 420.9071(20), F.S.

<sup>7</sup> Sections 420.907-9079, F.S.

<sup>8</sup> Section 420.5087, F.S.

<sup>9</sup> Section 420.9071(14), (15), & (16), F.S. These local housing plans must also align with the requirements for housing under the Local Government Comprehensive Planning and Land Development Regulation Act of 1985. Chapter 163, Part II, F.S.

<sup>10</sup> Section 420.5087, F.S.

## **Local Government Surplus Land (Bill Sections 1 and 4)**

### ***Present Situation***

Since July 1, 2007, all counties and municipalities have been required to prepare, every 3 years, an inventory list of all real property held in fee simple by the respective government entity that is appropriate for use as affordable housing. The list must be reviewed at a public hearing of the appropriate local governing body and may be revised at the conclusion of the public hearing. The governing body must adopt a resolution that includes the inventory following the meeting.<sup>11</sup>

Properties identified as appropriate for affordable housing may be offered for sale by the local government and the proceeds may be used:

- To purchase land for the development of affordable housing;
- To increase the local government fund earmarked for affordable housing;
- For sale with a restriction that requires the development of the property as permanent affordable housing; or
- For donation to a nonprofit housing organization for the construction of permanent affordable housing.

Alternatively, the county or municipality may make the property available for use for the production and preservation of permanent affordable housing.<sup>12</sup>

### ***Effect of the Bill***

The bill amends ss. 125.379 and 166.0451, F.S., in Bill Sections 1 and 4, respectively, to require each county and municipality to include the following criteria when preparing the inventory list of real property and evaluating for use as affordable housing:

- Environmental suitability for construction;
- Site characteristics;
- Current land use designation;
- Current or anticipated zoning;
- Whether the property is included in at least one special district;
- Existing infrastructure; and
- Proximity to employment opportunities, public transportation, and existing services.

## **Transportation Concurrency and Mobility Fees (Bill Section 2)**

### ***Present Situation***

Transportation concurrency is a growth management strategy aimed at ensuring that transportation facilities and services are available concurrent with the impacts of development. To carry out concurrency, local governments must define what constitutes an adequate level of service (LOS) for the transportation system and measure whether the service needs of a new development exceed existing capacity and scheduled improvements for that period. If adequate capacity is not available, then the developer must provide the necessary improvements, provide

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<sup>11</sup> Sections 125.379 and 166.0451, F.S.

<sup>12</sup> *Id.*

monetary contribution toward the improvements, or wait until government provides the necessary improvements.<sup>13</sup>

A mobility fee is a transportation system charge on development that allows local governments to assess the proportionate cost of transportation improvements needed to serve the demand generated by development projects. The specificity of a mobility fee allows funds to be expended not only on roadways, but also on transit-supportive investments such as bus shelters/amenities and bicycle and pedestrian infrastructure. Mobility fees also may be expended on buses, stations, and rail infrastructure. Statute requires that mobility fee programs meet the following requirements:

- Any alternative mobility funding system adopted may not be used to deny, time, or phase an application for site plan approval, plat approval, final subdivision approval, building permits, or the functional equivalent of such approvals provided that the developer agrees to pay for the development's identified transportation impacts via the funding mechanism implemented by the local government.
- The revenue from the funding mechanism used in the alternative system must be used to implement the needs of the plan which serves as the basis for the fee imposed.
- A mobility fee-based funding system must comply with the rational nexus test applicable to impact fees.
- An alternative system that is not mobility fee-based shall not be applied in a manner that imposes upon new development any responsibility for funding an existing transportation deficiency.<sup>14</sup>

### ***Effect of the Bill***

The bill amends s. 163.3180, F.S., in Bill Section 2, to prohibit a local government from charging a mobility fee for the development or construction of affordable housing for a 5-year period beginning July 1, 2018 and ending June 30, 2023.

### **Local Government Impact Fees (Bill Section 3)**

#### ***Present Situation***

Impact fees are amounts imposed by local governments to fund local infrastructure required to provide for increased local services needs caused by new growth.<sup>15</sup> Adopted by ordinance of a county, municipality, or special district, impact fees must meet the following minimum criteria:

- The fee must be calculated using the most recent and localized data;
- The local government adopting the impact fee must account for and report fee collections and expenditures. If the fee is imposed for a specific infrastructure need, the local government must account for those revenues and expenditures in a separate accounting fund;
- Administrative charges imposed for the collection of impact fees are limited to the actual costs; and

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<sup>13</sup> Fla. Dep't of Community Affairs, *Transportation Concurrency: Best Practices Guide* pg. 1 (2007), retrieved from <https://www.cutr.usf.edu/oldpubs/TCBP%20Final%20Report.pdf>.

<sup>14</sup> Fla. Department of Transportation, *A Guidebook: Using Mobility Fees to Fund Transit Improvements* pg. 11-12 (2016), retrieved from <http://www.fdot.gov/transit/Pages/FinalMobilityFeeGuidebook111816.pdf>. See also s. 163.3180(5)(i), F.S.

<sup>15</sup> Section 163.3180(2), F.S.

- All local governments are required to give notice of a new or increased impact fee at least 90 days before the new or increased fee takes effect. However, counties and municipalities do not need to wait 90 days before decreasing, suspending, or eliminating an impact fee.<sup>16</sup>

The types of impact fees, amounts, and timing of collection are within the discretion of the local government authorities choosing to impose the fees.<sup>17</sup> The courts have found appropriate the imposition of impact fees where the local government meets two fundamental requirements:

- A reasonable connection, or nexus, between the need for additional capital facilities and the population growth generated by the project; and
- A reasonable connection, or nexus, between the expenditures of the funds collected from the impact fees and the benefits accruing to the subdivision or project.

Meeting the second criteria requires the local government ordinance imposing the impact fee to earmark the funds collected to acquire the new capital facilities necessary to benefit the new residents.<sup>18</sup>

Some local governments require payment of impact fees before the issuance of a development or building permit.<sup>19</sup> In general, a building permit must be obtained before the construction, erection, modification, repair, or demolition of any building.<sup>20</sup> A development permit pertains to any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.<sup>21</sup>

A certificate of occupancy is required before a building or structure may be used or occupied.<sup>22</sup> The certificate is issued by the appropriate local building official after completion of all work and a final inspection of the building or structure shows no violations of the Florida Building Code or other applicable laws.<sup>23</sup>

<sup>16</sup> Section 163.31801(3), F.S.

<sup>17</sup> Currently, in Florida there are 67 counties, 413 municipalities, 1,059 independent special districts, and 633 dependent special districts. See ch. 7, F.S.; *The Local Government Formation Manual 2017-2018*, Appx. B, at [http://myfloridahouse.gov/Sections/Documents/loadoc.aspx?PublicationType=Committees&CommitteeId=2911&Session=2018&DocumentType=General Publications&FileName=2017-2018 Local Government Formation Manual Final Pub.pdf](http://myfloridahouse.gov/Sections/Documents/loadoc.aspx?PublicationType=Committees&CommitteeId=2911&Session=2018&DocumentType=General%20Publications&FileName=2017-2018%20Local%20Government%20Formation%20Manual%20Final%20Pub.pdf); Lists of Independent and Dependent Districts available through Dept. of Economic Opportunity, Special District Accountability Program, at <http://specialdistrictreports.floridajobs.org/webreports/criteria.aspx>.

<sup>18</sup> This is known as the dual rational nexus test. *St. Johns County v. Northeast Florida Builders Association, Inc.*, 583 So. 2d 635, 637 (Fla. 1991), citing *Hollywood, Inc. v. Broward County*, 431 So. 2d 606, 611-612 (Fla. 4th DCA (1983), *rev. den.* 440 So. 2d 352 (Fla. 1983).

<sup>19</sup> See, e.g., Roads Impact Fee, ch. 2, art. VI, div. 2, s. 2-267(a), Land Development Code Lee County, Florida, at [https://library.municode.com/fl/lee\\_county/codes/land\\_development\\_code?nodeId=LADECO\\_CH2AD\\_ARTVIIMFE](https://library.municode.com/fl/lee_county/codes/land_development_code?nodeId=LADECO_CH2AD_ARTVIIMFE); Transportation Impact Fee, Ch. 56, Part I, s. 56-15.C.1, City of Orlando Code of Ordinances, at [https://library.municode.com/fl/orlando/codes/code\\_of\\_ordinances?nodeId=TITIICICO\\_CH56IMFE](https://library.municode.com/fl/orlando/codes/code_of_ordinances?nodeId=TITIICICO_CH56IMFE); Road Impact Fees, Miami-Dade County Code of Ordinances, s. 33E-6.1(c), at [https://library.municode.com/fl/miami\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH33EROIMFEOR](https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33EROIMFEOR).

<sup>20</sup> Section 553.79, F.S.

<sup>21</sup> Section 163.3164(16), F.S.

<sup>22</sup> Section 111.1, Florida Building Code – Building (6th ed. 2017), at <https://codes.iccsafe.org/public/document/FBC2017/chapter-1-scope-and-administration>.

<sup>23</sup> Section 111.2, Florida Building Code (6th ed. 2017). See also Broward County Amendments to the 5<sup>th</sup> Edition (2014) Florida Building Code (Effective June 30, 2015, with amendments through March 2017), s. 110, “Inspections,” p. 1.39, at <http://www.broward.org/CodeAppeals/AboutUs/Documents/ch%201-5thEdition%20-PASSED%2003-09-2017.pdf>.

In 2015, 38 counties reported total impact fee revenues of \$503.9 million and 193 cities reported total impact fee revenues of \$225.3 million.<sup>24</sup> In 2016, 28 school districts reported total impact fee revenues of \$265.3 million.<sup>25</sup>

The Affordable Housing Workgroup, created in ch. 2017-71, Laws of Florida, was charged with providing recommendations for, among other components, a review of land use for affordable housing developments.<sup>26</sup> The review of land use included the impact of fees, including impact fees, exactions, mitigation fees and development fees.<sup>27</sup> In an effort to provide context to workgroup members, staff at the Florida Housing Finance Corporation queried local SHIP Administrators regarding impact fee calculations and waivers in their locales. Based on responses from approximately two-thirds of those surveyed, nearly 25 percent do not currently assess any impact fees. For the remaining cities and counties that do impose impact fees, they are calculated using a combination of methodologies, including by square footage, number of bedrooms, geographic location, resident status as a senior citizen, or as a flat fee. Approximately 30 percent of the reporting entities indicated the existence of mechanisms to waive fees in part or whole for affordable housing development. Based on their review and discussion, the workgroup report recommends that local governments currently assessing impact fees either waive fees for affordable housing or establish local dedicated funds to make such waivers possible.<sup>28</sup>

### ***Effect of the Bill***

The bill amends s. 163.310801, F.S., in Bill Section 3, to prohibit a local government from charging an impact fee for the development or construction of affordable housing for a 5-year period beginning July 1, 2018 and ending June 30, 2023.

The bill also requires each local government entity to include, in their annual financial reports, the following pertaining to impact fees imposed for construction other than affordable housing:

- The specific purpose of each impact fee, including the specific infrastructure need to be met, such as transportation, parks, water, sewer, and schools;
- The Impact Fee Schedule Policy, describing the method of calculating impact fees, such as flat fee, tiered scale based on number of bedrooms, and tiered scale based on square footage;
- The amount assessed for each purpose and type of dwelling;
- The total amount of impact fees charged by type of dwelling; and
- Each exception and waiver provided for affordable housing developments.

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<sup>24</sup> Office of Economic and Demographic Research, The Florida Legislature, *Impact Fees*, available at <http://edr.state.fl.us/Content/local-government/data/data-a-to-z/g-l.cfm>. County Revenues were updated July 25, 2017, and City Revenues were updated September 28, 2017.

<sup>25</sup> *Id.* School District Revenues were updated October 5, 2017.

<sup>26</sup> Section 46, Ch. 2017-71, L.O.F.

<sup>27</sup> Florida Housing Finance Corporation, *Affordable Housing Workgroup Final Report 2017*, pg. 23 (2017), retrieved from [https://issuu.com/fhfc/docs/ahwg-report\\_2017-web](https://issuu.com/fhfc/docs/ahwg-report_2017-web).

<sup>28</sup> *Id.* pg. 25-27

## Local Permit Approval Process (Bill Section 5 and 6)

### *Present Situation*

As noted in the previous section, a building permit must be obtained before the construction, erection, modification, repair, or demolition of any building. A development permit pertains to any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land. Local governments may enforce these requirements, including the processing of applications and granting building permits.<sup>29</sup>

Counties, municipalities, and most special districts are not required to comply with the notice and procedural requirements of ch. 120, F.S., the Administrative Procedure Act.<sup>30</sup> For certain types of building permit applications,<sup>31</sup> the local government must meet certain deadlines:

- Within 10 days of the application being submitted, the local government must inform the applicant in writing of what information is needed to complete the application, if any.
- If no written notice of deficiency is provided, the application is deemed properly completed and accepted.
- Within 45 days of receiving a completed application, the local government must notify the applicant if additional information is needed to determine whether the application is sufficient.
- Within 120 days after receiving a completed application, the local government must approve, approve with conditions, or deny the application.<sup>32</sup>

### *Effect of the Bill*

The bill creates s. 420.0007, F.S., in Bill Section 5, to provide a new process for local government permit approval process. A local government has 15 days after receiving an application for a development permit, construction permit, or certificate of occupancy for affordable housing to examine the application, notify the applicant of any apparent errors or omissions, and request any additional information the local government is authorized by law to require.

If a local government does not timely request addition information, it may not deny the development permit, construction permit, or certificate of occupancy for affordable housing if the applicant fails to correct an error or omission or to supply additional information.

However, the local government may require any additional required information to be submitted within 10 days after the date it gives notice to the applicant. The local government must grant a request for an extension of time for submitting the additional information for good cause.

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<sup>29</sup> Sections 553.79 & 553.792, F.S.

<sup>30</sup> See s. 120.52(1), F.S.

<sup>31</sup> The list includes permits for the following types of construction: accessory structure, alarm, nonresidential buildings less than 25,000 square feet, electric, irrigation, landscaping, mechanical, plumbing, residential units other than a single family unit, multifamily residential not exceeding 50 units, roofing, signs, site-plan approvals and subdivision plats not requiring public hearings or public notice, lot grading and site alteration associated with the permit application. See s. 553.792(2), F.S.

<sup>32</sup> Section 553.792(1), F.S.

An application is complete when the local government has received all of the requested information and the correction of any error or omission as necessary.

The local government must approve or deny an application for a development permit, construction permit, or certificate of occupancy for affordable housing within 60 days after receipt of a completed application, unless a shorter period of time for local government is provided by law. If the local government does not approve or deny within the 60-day time period, the application is considered approved, and the local government must issue the development permit, construction permit, or certificate of occupancy.

An applicant for a development permit, construction permit, or certificate of occupancy seeking to receive a permit by default shall notify the local government in writing of its intent to rely upon the default approval. However, the applicant may not take any action based upon the default development permit, construction permit, or certificate of occupancy until the applicant receives notification or a receipt acknowledging that the local government received the notice. The applicant must retain the notification or receipt.

The bill amends s. 420.9071, F.S., in Bill Section 10, to revise the definition of “local housing incentive strategies” to include expediting permits for affordable housing projects provided in s. 420.0007, F.S.

### **State Apartment Incentive Loan Program Local Government Contribution (Bill Section 6)**

#### ***Present Situation***

The State Apartment Incentive Loan (SAIL) program provides low-interest loans on a competitive basis to affordable housing developers each year. This money often serves to bridge the gap between the primary financing and the total cost of the development. SAIL dollars are available to individuals, public entities, not-for-profit organizations, or for-profit organizations that propose the construction or substantial rehabilitation of multifamily units affordable to very low income individuals and families.<sup>33</sup>

The Florida Housing Finance Corporation administers the SAIL program and is required to establish a review committee for the competitive evaluation and selection of applications submitted in this program. The evaluation criteria considered include, but are not limited to, local government contributions and local government comprehensive planning and activities that promote affordable housing.<sup>34</sup>

#### ***Effect of the Bill***

The bill amends s. 420.5087, F.S., in Bill Section 6, to require the evaluation of additional components related to local government contributions, including policies that promote access to public transportation, reduce the need for on-site parking, and expedite permits for affordable housing projects.

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<sup>33</sup> Florida Housing Finance Corporation, State Apartment Incentive Loan, Background, <http://www.floridahousing.org/programs/developers-multifamily-programs/state-apartment-incentive-loan>.

<sup>34</sup> Section 420.5087(6)(c), F.S.

## Using Surplus State Lands for Affordable Housing (Bill Sections 9, 11, 12, and 13)

### *Present Situation*

The Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees),<sup>35</sup> the five water management districts (WMDs), and the Department of Transportation (DOT) may each acquire and hold real property for various public purposes.<sup>36</sup> Each agency must follow certain procedures to dispose of property that is no longer needed.

### *Board of Trustees*

The Board of Trustees may determine which state lands may be surplus. To dispose of conservation lands, the Board of Trustees must determine whether the land is no longer needed for conservation purposes and may dispose of such lands by an affirmative vote of at least three members. To dispose of nonconservation lands, the Board of Trustees must determine whether the land is no longer needed and may dispose of such lands by an affirmative vote of at least three members.<sup>37</sup>

“Conservation lands” are lands managed for conservation, outdoor resource-based recreation, or archaeological or historic preservation, except those lands acquired solely to facilitate the acquisition of other conservation lands. Lands acquired for uses other than conservation, outdoor resource-based recreation, or archaeological or historic preservation are “nonconservation lands.” Nonconservation lands include the following: correction and detention facilities, military installations and facilities, state office buildings, maintenance yards, State University or Florida College System institution campuses, agricultural field stations or offices, tower sites, law enforcement and license facilities, laboratories, hospitals, clinics, and other sites that possess no significant natural or historical resources.<sup>38</sup>

Any public or private entity or person may ask the Board of Trustees to surplus lands. The lead managing agency must review the request and make a recommendation to ARC within 90 days. ARC must immediately schedule a hearing to review the request at the next regularly scheduled hearing for any surplus requests that have not been acted upon within 90 days.<sup>39</sup>

Before a building or parcel of land is offered for lease or sale, the Division of State Lands (DSL) within the Department of Environmental Protection must first offer the land for lease to state agencies, state universities, and Florida College System institutions.<sup>40</sup>

DSL must determine the sale price of the land by considering an appraisal. If the value of the land is estimated at \$500,000 or less, DSL may use a comparable sales analysis or broker’s

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<sup>35</sup> The Board of Trustees consists of the Governor, Attorney General, Chief Financial Officer, and Commissioner of Agriculture. Art. IV, s. 4(f), Fla. Const., s. 253.02(1), F.S. The Department of Environmental Protection, through its Division of State Lands, performs all staff duties and functions related to the acquisition, administration, and disposition of state lands. Section 253.002(1), F.S.

<sup>36</sup> Sections 253.001, 253.02, 337.25(1), and 373.089, F.S.

<sup>37</sup> Section 253.0341(1), F.S.

<sup>38</sup> Section 253.034(2)(c), F.S.

<sup>39</sup> Section 253.0341(11), F.S.

<sup>40</sup> Section 253.0341(7), F.S.

opinion.<sup>41</sup> DSL must offer parcels valued at more than \$500,000 by competitive bid first. If the parcel is not successfully sold by competitive bid, or the parcel is valued at \$500,000 or less, then DSL may sell the property by any reasonable means.<sup>42</sup>

### ***Water Management Districts***

A WMD may sell lands its governing board determines to be surplus at any time.<sup>43</sup> These lands must be sold at the highest price obtainable, but not less than the appraised value of the land determined by a certified appraiser 360 days before the sale.<sup>44</sup> Such sales must be in cash and on the terms set by the governing board of the WMD.<sup>45</sup> The WMD must publish notice of its intent to sell the land in a newspaper in the county where the land is located. The notice of intent must be published three times for three successive weeks at least 30 days, and not more than 360 days, before any sale. The notice of intent must describe the land or the interest or rights to be sold.<sup>46</sup>

Public and private entities may request that a WMD make its lands available for purchase when those lands are not essential or necessary to meet conservation.<sup>47</sup>

If so requested and the lands are determined to be surplus, the WMD must give priority consideration to public or private buyers who are willing to return the property to productive use so long as the property can reenter the county ad valorem tax roll.<sup>48</sup>

When deciding whether to sell lands designated as acquired for conservation purposes, the governing board of the WMD must determine by a two-thirds vote that the land is no longer needed for conservation purposes.<sup>49</sup> For all other lands, the governing board of the WMD must determine by a majority vote that the land is no longer needed.<sup>50</sup>

Prior to selling land, a WMD must generally first offer title to lands acquired in whole or in part with Florida Forever funds<sup>51</sup> to the Board of Trustees.<sup>52</sup> If the Board of Trustees declines to accept title to the land, the WMD may dispose of the land.<sup>53</sup>

### ***Department of Transportation***

DOT may convey any land, building, or other property, real or personal, when it determines the property is not needed for the construction, operation, and maintenance of a transportation facility. DOT may dispose of its surplus property through negotiations, sealed competitive bids, auctions, or any other means it deems to be in its best interest. DOT must advertise the sale of

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<sup>41</sup> Section 253.0341(8), F.S.

<sup>42</sup> Section 253.0341(9), F.S.

<sup>43</sup> Section 373.089(1), F.S.

<sup>44</sup> Section 373.089(1), F.S.

<sup>45</sup> Section 373.089(2), F.S.

<sup>46</sup> Section 373.089(3), F.S.

<sup>47</sup> Section 373.089(5), F.S.

<sup>48</sup> *Id.*

<sup>49</sup> Section 373.089(6)(a), F.S.

<sup>50</sup> Section 373.089(6)(b), F.S.

<sup>51</sup> *See* ss. 259.105 and 259.1051, F.S.

<sup>52</sup> Section 373.089(7), F.S.

<sup>53</sup> Section 373.089, F.S.

property valued by DOT at greater than \$10,000.<sup>54</sup> DOT may generally not sell property for less than DOT's current estimate of value.<sup>55</sup>

DOT may afford a right of first refusal to the local government or other political subdivision in the jurisdiction where the parcel is situated in certain circumstances.<sup>56</sup>

### ***Effect of the Bill***

The bill creates s. 420.56, F.S., in Bill Section 9, to make all surplus lands designated as nonconservation available for affordable housing before making the parcels available for purchase by other governmental entities or the public. As nonconservation land becomes available for surplus, the DEP, acting on behalf of the Board of Trustees, the WMDs, and DOT must notify the Florida Housing Finance Corporation (FHFC) that the land is available for surplus before making the parcel available for any other use, including for purchase by other governmental entities or the public. WMDs must only identify nonconservation surplus lands originally acquired using state funds.

The bill requires FHFC to evaluate, in consultation with DEP, the WMDs, and DOT, whether the surplus lands identified by DEP, the WMDs, and DOT are suitable for affordable housing based on the following characteristics of the property:

- Environmental suitability for construction;
- Current and anticipated land use and zoning;
- Inclusion in one or more special districts meant to revitalize the community;
- Existing infrastructure on the land such as roads, water, sewer, and electricity;
- Access to grocery stores within walking distance or by public transportation;
- Access to employment opportunities within walking distance or by public transportation;
- Access to public transportation within one half mile; and
- Access to community services such as public libraries, food kitchens, and employment centers.

If FHFC determines the nonconservation surplus land is suitable for affordable housing, the bill requires the Board of Trustees, the WMDs, and DOT to first offer the land to the county and municipality where the land is located to be used for affordable housing before the entity offers the land to other governmental entities or the public. If the county and municipality where the parcel is located do not wish to use the parcel for affordable housing, the Board of Trustees, the WMDs, or DOT may dispose of the parcel using the procedures in existing law.

The bill authorizes the Board of Trustees, the WMDs, and DOT to sell the parcels identified as suitable for affordable housing for less than the appraised value to any party. If the agency sells the parcels for less than appraised value, the agency must place an encumbrance on the parcels to ensure the purchaser uses the land for affordable housing for a period of not less than 99 years.

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<sup>54</sup> Section 337.25(4), F.S.

<sup>55</sup> Exceptions provided in Section 337.25(4)(a)-(d), F.S.

<sup>56</sup> Exceptions provided in Section 337.25(4)(a), (c), and (e), F.S.

The bill exempts the Board of Trustees, the WMDs, and DOT from certain disposal procedures to expedite the sales of surplus land for affordable housing, specifically:

- The Board of Trustees does not need to follow the appraisal and competitive bidding procedures;
- The WMDs do not need to follow their appraisal and advertising requirements and the procedures for selling land valued at \$25,000 or less; and
- DOT does not need to follow its disposal procedures.

The bill authorizes the Board of Trustees, the WMDs, and DOT to determine the sale price of the parcels. The bill requires Board of Trustees, the WMDs, and DOT to consider at least one appraisal, or if the estimated value of the land is \$500,000 or less, a comparable sales analysis or a broker's opinion of value.

The bill amends s. 253.0341(4), F.S., in Bill Section 11, to require the land manager of Board of Trustees owned land to evaluate and indicate whether state lands it manages are still being used for the purpose for which they were originally leased from the Board of Trustees every 3 years instead of every 10 years.

The bill amends s. 253.0341(7), F.S., in Bill Section 11, to require the Board of Trustees to offer nonconservation surplus lands to the county and municipality where the land is located for use for the construction of affordable housing as identified by the FHFC before offering it to other potential buyers. This will give those counties and municipalities the opportunity to purchase nonconservation lands for affordable housing prior to state agencies, state universities, and Florida College System institutions, who currently have the first opportunity to either lease or buy surplus lands. All lands not needed for affordable housing will still be offered first to state agencies, state universities, and Florida College System institutions. If the surplus land is not used for affordable housing and not leased by a state agency, state university, or Florida College System institution, the Board of Trustees shall offer the parcel for lease or sale to a local or federal unit of government or a private party.

The bill amends s. 337.25(3), F.S., in Bill Section 12, to require DOT to evaluate all of its land not within a transportation corridor or within the right-of-way of a transportation facility at least every 10 years on a rotating basis to determine whether DOT should retain the property. This change is consistent with the Board of Trustee's current duty to review the management of its lands every 10 years in s. 253.0341(4), F.S., to determine if the lands should be kept.

The bill creates s. 337.25(12), F.S., in Bill Section 12, to require DOT to offer nonconservation surplus lands to the county and municipality where the land is located for use as affordable housing as identified by the FHFC before offering it to other potential buyers except when:

- The property was donated to the state for transportation purposes and a transportation facility has not been constructed for at least 5 years, plans have not been prepared for the construction of such facility, and the property is not located in a transportation corridor;
- DOT originally acquired the property specifically to provide replacement housing for persons displaced by transportation projects; or
- DOT determines a sale to a person other than an abutting owner would be inequitable, the property may be sold to the abutting owner for DOT's current estimate of value.

The bill amends s. 373.089(1), F.S., in Bill Section 13, to require the WMDs to review all lands and interests or rights in lands every 10 years on a rotating basis to determine whether the lands are still needed for the purpose for which they were acquired. This change is consistent with the Board of Trustee's current duty to review the management of its lands every 10 years in s. 253.0341(4), F.S., to determine if the lands should be kept.

The bill creates s. 373.089(9), F.S., in Bill Section 13, to require WMDs to offer nonconservation surplus lands to the county and municipality where the land is located for use as affordable housing as identified by the FHFC before offering it to other potential buyers. This requirement only applies to nonconservation surplus lands originally acquired using state funds.

## **Hurricane Recovery Programs (Bill Section 7)**

### ***Present Situation***

Following the 2004 hurricane season, a statewide Hurricane Housing Work Group was created to recommend how best to leverage funding recommended by the Governor for hurricane housing recovery needs. A Work Group recommended at that time, and the Legislature subsequently funded, the Hurricane Housing Recovery Program and the Rental Recovery Loan Program. As a result of the work group's recommendation, the 2005 Legislature appropriated \$250 million for housing recovery: \$208 million for HHRP and another \$42 million for RRLP.<sup>57</sup> With those resources, and an additional \$93 million appropriation in 2006 for hurricane rental funding, FHFC assisted over 10,000 families with HHRP and created over 1,600 units with RRLP.

### ***Hurricane Housing Recovery Program***

The Hurricane Housing Recovery Program was created as a local housing recovery program and modeled after the existing State Housing Incentive Program (SHIP) aimed at assisting homeowners with post-hurricane recovery efforts. HHRP funds were distributed to local governments using a need-based formula to allow local communities to evaluate and address needs as appropriate.<sup>58</sup>

### ***Rental Recovery Loan Program***

The Rental Recovery Loan Program was created to provide affordable rental units needed to promote the housing recovery needs of local communities. Modeled in part after the State Apartment Incentive Loan (SAIL) Program, the RRLP program allowed the state to leverage existing federal rental financing programs to provide units that served a range of incomes, including extremely low income households, throughout the areas impacted by the hurricanes.

### ***Effects of the Bill***

The bill creates s. 420.54, F.S., in Bill Section 7, to create the Hurricane Housing Recovery Program and the Rental Recovery Loan Program to provide funds to local governments for affordable housing recovery efforts due to impacts of Hurricanes Irma and Maria.

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<sup>57</sup> Florida Housing Finance Corporation, Bill Analysis for SB 1328, p. 3, analyzed Jan. 10, 2018.

<sup>58</sup> Florida Housing Finance Corporation, *Hurricane Housing Recovery Program*, available at <http://floridahousing.org/webdocs/disasterrelief/HHRP/HHRPPage.PDF>.

The HHRP will provide resources to local governments according to a need-based formula that reflects affordable housing damage estimates. Eligible local governments must submit a strategy outlining proposed recovery actions, income levels and number of units to be served, and funding requests. Program funds will be used as follows:

- To serve households with incomes up to 120 percent of the area median income (AMI), except that at least 30 percent of program funds should be reserved for households with incomes up to 50 percent AMI and an additional 30 percent of program funds reserved for households with incomes up to 80 percent AMI.
- At least 65 percent of the funds shall be used for homeownership.
- Up to 15 percent may be used for administrative expenses.

The RRLP will provide resources to build additional rental housing and allow the state to leverage federal rental financing similar to the SAIL program. The bill requires that each participating local entity submit a report of its housing recovery program and accomplishments by September 15, 2019 and each year thereafter. The bill provides FHFC the authority to adopt emergency rules pursuant to s. 120.54, F.S. for the purpose of implementing these programs.

In Bill Section 8, the bill also provides for an appropriation from the Local Government Housing Trust Fund and State Housing Trust Fund to implement these programs. Specifically, for the 2018-2019 fiscal year, 20 percent of the most recent revenue estimate from the Revenue Estimating Conference for both the Local Government Housing Trust Fund and the State Housing Trust Fund is appropriated to FHFC for the purpose of affordable housing hurricane recovery efforts. Funds from the Local Government Housing Trust Fund must be used for the Hurricane Housing Recovery Program, and funds from the State Housing Trust Fund must be used for the Recovery Rental loan Program. Additionally, FHFC must use \$100,000 from the funds appropriated from the State Housing Trust Fund to provide technical assistance and training.

In its analysis of the bill, the Florida Housing Finance Corporation found that the Revenue Estimating Conference's most recent estimate was \$322.1 million total available in the affordable housing trust funds, meaning the 20 percent appropriation would be approximately \$64 million.

The effective date of the bill is July 1, 2018.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

The county/municipality mandates provision of Art. VII, s. 18 of the Florida Constitution may apply because this bill prohibits the collection of certain impact fees for construction or development of affordable housing.

However, there are several exemptions and exceptions to the mandate requirements. The mandate requirements do not apply to laws having an insignificant impact, which for Fiscal Year 2017-2018 was approximately \$2.05 million or less.<sup>59,60,61</sup>

This bill does not appear to qualify under any exemption or exception. If the bill does qualify as a mandate, final passage must be approved by two-thirds of the membership of each house of the Legislature.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

The prohibition of impact fees for affordable housing may act as catalysts for affordable housing by mitigating development costs.

**C. Government Sector Impact:**

Local governments may need to replace the funds that would normally be derived from impact and mobility fees with other sources of revenue.

The bill directs 20 percent of this estimate be appropriated to Florida Housing Finance Corporation for affordable housing hurricane recovery efforts. Based on the estimate, approximately \$64 million would be provided. The bill also provides \$100,000 to Florida Housing Finance Corporation from the State Housing Trust Fund to provide technical and training assistance.

**VI. Technical Deficiencies:**

None.

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<sup>59</sup> FLA. CONST. art. VII, s. 18(d).

<sup>60</sup> An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf>.

<sup>61</sup> Based on the Demographic Estimating Conference's population adopted on April 1, 2017. The executive summary is available at <http://edr.state.fl.us/Content/conferences/population/demographicsummary.pdf>.

**VII. Related Issues:**

The bill amends s. 253.0341(4), F.S., in Bill Section 11, to require the land manager of land owned by the Board of Trustees of the Internal Improvement Trust Fund to evaluate and indicate whether state lands it manages are still being used for the purpose for which they were originally leased every 3 years instead of every 10 years. This change appears to be inconsistent with the Board of Trustee’s duty to review the management of its lands at least every 10 years in s. 253.034(5), F.S., and the changes in this bill to require the WMDs and DOT to review their lands every 10 years to determine if the lands are still needed.

Section 1 of the bill adds as a new criterion in s. 125.379, F.S., for evaluating land for affordable housing purposes whether the land is located within a special district. Section 7 of the bill creates a similar criterion to evaluate land but refers to lands located in “special districts meant to revitalize the community.” It is unclear whether the language in the two sections should be the same. Additionally, in its bill analysis, FHFC noted that the corporation promotes new housing opportunities in economically vibrant areas not in need of revitalization and that the criterion may be more inclusive if it was expanded to properties suitable for residential use.<sup>62</sup>

In section 10 of the bill, it is unclear whether the new phrase “expediting permits for affordable housing” in s. 420.9071, F.S., is intended to reference the definition of “development permits” in s. 163.3164(16), F.S.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 125.379, 163.3180, 163.31801, 166.0451, 420.5087, 420.9071, 253.0341, 337.25, and 373.089.

This bill creates the following sections of the Florida Statutes: 420.0007, 420.54, and 420.56.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

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<sup>62</sup> Florida Housing Finance Corporation, Bill Analysis for SB 1328, p. 3, analyzed Jan. 10, 2018.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/30/18

Meeting Date

1328

Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Affordable Housing

Name Douglas Buck

Job Title

Address 2600 Centinela

Street

Tall

City

State

Zip

32308 Email

Phone 850-281-1836

Phone

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida Home Builders

Appearing at request of Chair:

Yes  No

Lobbyist registered with Legislature:

Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE  
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/30/2018  
Meeting Date

SB 1328  
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Impact Fees

Name Thomas Hawkins

Job Title Policy & Planning Director

Address 328 N Monroe St.

Street Tallahassee State FL Zip 32301

Phone 352.377.3141

Email thawkins@1000Fed.org

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing 1000 Friends of Florida

Appearing at request of Chair:  Yes  No  
Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1/30/18

Bill Number (if applicable) 1328

Topic Approvable Housing

Amendment Barcode (if applicable)

Name Trey Price

Job Title Executive Director

Address

Phone

Street

City

State

Zip

Email Trey.Price@floridahousing.org

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida Housing Finance Corp

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

By Senator Perry

8-01486-18

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1 A bill to be entitled  
 2 An act relating to affordable housing; amending ss.  
 3 125.379 and 166.0451, F.S.; revising the criteria that  
 4 counties and municipalities must use when evaluating  
 5 real property as part of their inventory for disposal  
 6 of lands; amending s. 163.3180, F.S.; prohibiting  
 7 local governments from charging certain mobility fees  
 8 for a specified period; preempting to the state the  
 9 right to impose such fees; amending s. 163.31801,  
 10 F.S.; prohibiting local governments from charging  
 11 certain impact fees for a specified period; preempting  
 12 to the state the right to impose such fees; specifying  
 13 additional information that must be submitted by  
 14 specified entities when submitting their annual  
 15 financial reports; creating s. 420.0007, F.S.;  
 16 providing a local permit approval process for  
 17 affordable housing; amending s. 420.5087, F.S.;  
 18 revising the criteria used by a review committee when  
 19 evaluating and selecting specified applications for  
 20 state apartment incentive loans; creating s. 420.54,  
 21 F.S.; creating the Hurricane Housing Recovery Program  
 22 to provide funds for specified purposes related to  
 23 affordable housing; requiring that the Florida Housing  
 24 Finance Corporation administer the program according  
 25 to specified procedures; specifying how program funds  
 26 are to be used; creating the Recovery Rental Loan  
 27 Program to provide funds for specified purposes  
 28 related to rental housing; providing legislative  
 29 intent; requiring an annual report regarding the

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30 housing recovery program; authorizing the corporation  
 31 to adopt emergency rules to implement the programs;  
 32 providing legislative findings regarding such  
 33 emergency rulemaking; exempting the emergency rules  
 34 from specified requirements; providing appropriations;  
 35 creating s. 420.56, F.S.; providing a process for  
 36 certain entities to dispose of surplus lands for use  
 37 for the construction of affordable housing; amending  
 38 s. 420.9071, F.S.; revising the definition of "local  
 39 housing incentive strategies"; amending ss. 253.0341,  
 40 337.25, and 373.089, F.S.; revising the procedures  
 41 under which the board of trustees, the Department of  
 42 Transportation, and the water management districts  
 43 must dispose of nonconservation surplus lands;  
 44 providing an effective date.  
 45

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

47  
 48 Section 1. Subsection (1) of section 125.379, Florida  
 49 Statutes, is amended to read:

50 125.379 Disposition of county property for affordable  
 51 housing.—

52 (1) Beginning July 1, 2018 ~~By July 1, 2007~~, and every 3  
 53 years thereafter, each county shall prepare an inventory list of  
 54 all real property within its jurisdiction to which the county  
 55 holds fee simple title ~~which that~~ is appropriate for use as  
 56 affordable housing. The real property must be evaluated on  
 57 criteria including environmental suitability for construction,  
 58 site characteristics, current land use designation, current or

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59 anticipated zoning, whether the property is included in at least  
 60 one special district, existing infrastructure, proximity to  
 61 employment opportunities, proximity to public transportation,  
 62 and proximity to existing services. The inventory list must  
 63 include the address and legal description of each such real  
 64 property and specify whether the property is vacant or improved.  
 65 The governing body of the county must review the inventory list  
 66 at a public hearing and may revise it at the conclusion of the  
 67 public hearing. The governing body of the county shall adopt a  
 68 resolution that includes an inventory list of such property  
 69 following the public hearing.

70 Section 2. Paragraph (i) of subsection (5) of section  
 71 163.3180, Florida Statutes, is amended to read:

72 163.3180 Concurrency.—

73 (5)

74 (i) 1. If a local government elects to repeal transportation  
 75 concurrency, it is encouraged to adopt an alternative mobility  
 76 funding system that uses one or more of the tools and techniques  
 77 identified in paragraph (f). Any alternative mobility funding  
 78 system adopted may not be used to deny, time, or phase an  
 79 application for site plan approval, plat approval, final  
 80 subdivision approval, building permits, or the functional  
 81 equivalent of such approvals provided that the developer agrees  
 82 to pay for the development's identified transportation impacts  
 83 via the funding mechanism implemented by the local government.  
 84 The revenue from the funding mechanism used in the alternative  
 85 system must be used to implement the needs of the local  
 86 government's plan which serves as the basis for the fee imposed.  
 87 A mobility fee-based funding system must comply with the dual

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88 rational nexus test applicable to impact fees. An alternative  
 89 system that is not mobility fee-based shall not be applied in a  
 90 manner that imposes upon new development any responsibility for  
 91 funding an existing transportation deficiency as defined in  
 92 paragraph (h).

93 2. Beginning July 1, 2018, and ending June 20, 2023, a  
 94 local government may not charge a mobility fee for the  
 95 development or construction of housing that is affordable, as  
 96 defined in s. 420.9071.

97 Section 3. Subsection (6) is added to section 163.31801,  
 98 Florida Statutes, to read:

99 163.31801 Impact fees; short title; intent; definitions;  
 100 ordinances levying impact fees.—

101 (6) (a) Beginning July 1, 2018, and ending June 20, 2023, a  
 102 local government may not charge an impact fee for the  
 103 development or construction of housing that is affordable, as  
 104 defined in s. 420.9071.

105 (b) In addition to the items that must be reported in the  
 106 annual financial reports required under s. 218.32, counties and  
 107 municipalities shall report the following data on all impact  
 108 fees charged:

109 1. The specific purpose of the impact fee, including the  
 110 specific infrastructure need to be met, such as transportation,  
 111 parks, water, sewer, and schools;

112 2. The impact fee schedule policy, describing the method of  
 113 calculating impact fees, such as a flat fee, a tiered scale  
 114 based on number of bedrooms, and a tiered scale based on square  
 115 footage;

116 3. The amount assessed for each purpose and type of

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117 dwelling;

118 4. The total amount of impact fees charged by type of  
119 dwelling; and

120 5. Each exception and waiver provided for affordable  
121 housing developments.

122 Section 4. Subsection (1) of section 166.0451, Florida  
123 Statutes, is amended to read:

124 166.0451 Disposition of municipal property for affordable  
125 housing.—

126 (1) Beginning July 1, 2018 ~~By July 1, 2007~~, and every 3  
127 years thereafter, each municipality shall prepare an inventory  
128 list of all real property within its jurisdiction to which the  
129 municipality holds fee simple title which ~~that~~ is appropriate  
130 for use as affordable housing. Such real property shall be  
131 evaluated on criteria that include the environmental suitability  
132 for construction, site characteristics, currently designated  
133 land use, current or anticipated zoning, whether the property is  
134 included in one or more special districts, existing  
135 infrastructure, proximity to employment opportunities, proximity  
136 to public transportation, and proximity to services. The  
137 inventory list must include the address and legal description of  
138 each such property and specify whether the property is vacant or  
139 improved. The governing body of the municipality must review the  
140 inventory list at a public hearing and may revise it at the  
141 conclusion of the public hearing. Following the public hearing,  
142 the governing body of the municipality shall adopt a resolution  
143 that includes an inventory list of such property.

144 Section 5. Section 420.0007, Florida Statutes, is created  
145 to read:

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146 420.0007 Local permit approval process for affordable  
147 housing.—

148 (1) A local government has 15 days from the date it  
149 receives an application for a development permit, construction  
150 permit, or certificate of occupancy for affordable housing to  
151 examine the application, notify the applicant of any apparent  
152 errors or omissions, and request any additional information the  
153 local government is authorized by law to require.

154 (2) If a local government does not timely request  
155 additional information, it may not deny a development permit,  
156 construction permit, or certificate of occupancy for affordable  
157 housing if the applicant fails to correct an error or omission  
158 or to supply additional information.

159 (3) The local government may require any additional  
160 requested information to be submitted no later than 10 days  
161 after the date that it gives notice to the applicant, as  
162 specified in subsection (1).

163 (4) For good cause shown, the local government must grant a  
164 request for an extension of time for submitting the additional  
165 information.

166 (5) An application is complete upon receipt of all  
167 requested information and the correction of any error or  
168 omission of which the applicant was timely notified or when the  
169 time for notification has expired.

170 (6) The local government must approve or deny an  
171 application for a development permit, construction permit, or  
172 certificate of occupancy for affordable housing within 60 days  
173 after receipt of a completed application, unless a shorter  
174 period of time for local government action is provided by law.

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175 (7) If the local government does not approve or deny within  
 176 the 60-day or shorter time period, as appropriate, an  
 177 application for a development permit, construction permit, or  
 178 certificate of occupancy for affordable housing, the permit is  
 179 considered approved and the local government must issue the  
 180 development permit, construction permit, or certificate of  
 181 occupancy, which may include such reasonable conditions as  
 182 authorized by law.

183 (8) An applicant for a development permit, construction  
 184 permit, or certificate of occupancy seeking to receive a permit  
 185 by default under this section shall notify the local government,  
 186 in writing, of its intent to rely upon the default approval  
 187 under this section but may not take any action based upon the  
 188 default development permit, construction permit, or certificate  
 189 of occupancy until the applicant receives notification or a  
 190 receipt acknowledging that the local government received the  
 191 notice. The applicant must retain the notification or receipt.

192 Section 6. Paragraph (c) of subsection (6) of section  
 193 420.5087, Florida Statutes, is amended to read:

194 420.5087 State Apartment Incentive Loan Program.—There is  
 195 hereby created the State Apartment Incentive Loan Program for  
 196 the purpose of providing first, second, or other subordinated  
 197 mortgage loans or loan guarantees to sponsors, including for-  
 198 profit, nonprofit, and public entities, to provide housing  
 199 affordable to very-low-income persons.

200 (6) On all state apartment incentive loans, except loans  
 201 made to housing communities for the elderly to provide for  
 202 lifesafety, building preservation, health, sanitation, or  
 203 security-related repairs or improvements, the following

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204 provisions shall apply:

205 (c) The corporation shall provide by rule for the  
 206 establishment of a review committee for the competitive  
 207 evaluation and selection of applications submitted in this  
 208 program, including, but not limited to, the following criteria:

209 1. Tenant income and demographic targeting objectives of  
 210 the corporation.

211 2. Targeting objectives of the corporation which will  
 212 ensure an equitable distribution of loans between rural and  
 213 urban areas.

214 3. Sponsor's agreement to reserve the units for persons or  
 215 families who have incomes below 50 percent of the state or local  
 216 median income, whichever is higher, for a time period that  
 217 exceeds the minimum required by federal law or this part.

218 4. Sponsor's agreement to reserve more than:

219 a. Twenty percent of the units in the project for persons  
 220 or families who have incomes that do not exceed 50 percent of  
 221 the state or local median income, whichever is higher; or

222 b. Forty percent of the units in the project for persons or  
 223 families who have incomes that do not exceed 60 percent of the  
 224 state or local median income, whichever is higher, without  
 225 requiring a greater amount of the loans as provided in this  
 226 section.

227 5. Provision for tenant counseling.

228 6. Sponsor's agreement to accept rental assistance  
 229 certificates or vouchers as payment for rent.

230 7. Projects requiring the least amount of a state apartment  
 231 incentive loan compared to overall project cost, except that the  
 232 share of the loan attributable to units serving extremely-low-

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233 income persons must be excluded from this requirement.

234 8. Local government contributions and local government

235 comprehensive planning and activities that promote affordable

236 housing, and policies that promote access to public

237 transportation, reduce the need for onsite parking, and expedite

238 permits for affordable housing projects as provided in s.

239 420.0007.

240 9. Project feasibility.

241 10. Economic viability of the project.

242 11. Commitment of first mortgage financing.

243 12. Sponsor's prior experience.

244 13. Sponsor's ability to proceed with construction.

245 14. Projects that directly implement or assist welfare-to-

246 work transitioning.

247 15. Projects that reserve units for extremely-low-income

248 persons.

249 16. Projects that include green building principles, storm-

250 resistant construction, or other elements that reduce long-term

251 costs relating to maintenance, utilities, or insurance.

252 17. Job-creation rate of the developer and general

253 contractor, as provided in s. 420.507(47).

254 Section 7. Section 420.54, Florida Statutes, is created to

255 read:

256 420.54 Hurricane recovery programs.-

257 (1) The Hurricane Housing Recovery Program is created to

258 provide funding to local governments for recovery efforts

259 related to the impact of Hurricanes Irma and Maria during the

260 2017 Atlantic hurricane season on the affordable housing

261 inventory. The corporation shall administer the program,

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262 allocating resources to local governments according to a need-

263 based formula that reflects affordable housing damage estimates.

264 Eligible local governments must submit a strategy outlining

265 proposed recovery actions, income levels, number of units to be

266 served, and funding requests. Program funds must be used as

267 follows:

268 (a) To serve households with incomes of up to 120 percent

269 of area median income; however, at least 30 percent of program

270 funds must be reserved for households with incomes of up to 50

271 percent of area median income, and an additional 30 percent of

272 program funds must be reserved for households with incomes of up

273 to 80 percent of area median income.

274 (b) At least 65 percent of funds allocated must be used for

275 homeownership and distributed as provided in paragraph (a).

276 (c) Up to 15 percent of the allocation may be used for

277 administrative expenses to ensure expeditious use of funds.

278 (2) The Recovery Rental Loan Program is created to provide

279 funds to build additional rental housing in light of the impact

280 of Hurricanes Irma and Maria during the 2017 Atlantic hurricane

281 season on the rental housing inventory. The program is intended

282 to allow the state to leverage federal funds as it does in the

283 State Apartment Incentive Loan Program described in s. 420.5087.

284 (3) By September 15, 2019, and each year thereafter, each

285 participating local entity shall submit a report of its housing

286 recovery program and accomplishments through June 30 of that

287 year, as specified by the corporation.

288 (4) The corporation may adopt emergency rules pursuant to

289 s. 120.54 to implement this section. The Legislature finds that

290 emergency rules adopted pursuant to this section meet the

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 291 immediate danger to the public health, safety, and welfare  
 292 standard established in s. 120.54(4). The Legislature finds that  
 293 such emergency rulemaking is necessary to preserve the rights  
 294 and welfare of the people and to provide additional funds to  
 295 assist those areas of the state which sustained impacts to  
 296 available affordable housing inventory due to Hurricanes Irma  
 297 and Maria. Therefore, in adopting such emergency rules, the  
 298 corporation need not establish that the standard established in  
 299 s. 120.54(4) (a) has been met. Emergency rules adopted under this  
 300 section are exempt from s. 120.54(4) (c).

Section 8. For the 2018-2019 fiscal year, 20 percent of the  
 302 most recent revenue estimate from the Revenue Estimating  
 303 Conference for the 2018-2019 fiscal year for both the Local  
 304 Government Housing Trust Fund and the State Housing Trust Fund  
 305 is appropriated to the Florida Housing Finance Corporation for  
 306 the purpose of affordable housing hurricane recovery efforts.  
 307 Funds from the Local Government Housing Trust Fund must be used  
 308 for the Hurricane Housing Recovery Program created in s. 420.54,  
 309 Florida Statutes, and must be allocated based on the review of  
 310 Federal Emergency Management Agency damage assessment data by  
 311 the Florida Housing Finance Corporation. Funds from the State  
 312 Housing Trust Fund must be used for the Recovery Rental Loan  
 313 Program created in s. 420.54, Florida Statutes, to assist with  
 314 building and rehabilitating affordable rental housing to help  
 315 communities respond to hurricane recovery needs. The Florida  
 316 Housing Finance Corporation shall use \$100,000 from the funds  
 317 appropriated from the State Housing Trust Fund to provide  
 318 technical and training assistance.

319 Section 9. Section 420.56, Florida Statutes, is created to

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 320 read:  
 321 420.56 Disposal of surplus lands for use as affordable  
 322 housing.—  
 323 (1) It is the intent of the Legislature to make all surplus  
 324 lands designated as nonconservation available for affordable  
 325 housing before making the parcels available for purchase by  
 326 other governmental entities or the public.  
 327 (2) The Department of Environmental Protection, acting on  
 328 the behalf of the Board of Trustees of the Internal Improvement  
 329 Trust Fund; the Department of Transportation; and each water  
 330 management district shall notify the corporation when  
 331 nonconservation land becomes available for surplus as part of  
 332 the entity's regular review of lands under s. 253.0341, s.  
 333 337.25, or s. 373.089 before making the parcel available for any  
 334 other use, including for purchase by other governmental entities  
 335 or the public. Water management districts must identify only  
 336 nonconservation surplus lands originally acquired using state  
 337 funds.  
 338 (3) In consultation with the Department of Environmental  
 339 Protection, the Department of Transportation, and the water  
 340 management districts, the corporation must evaluate whether  
 341 these surplus lands are suitable for the construction of  
 342 affordable housing based on the property's environmental  
 343 suitability for such construction; current and anticipated land  
 344 use and zoning; inclusion in one or more special districts  
 345 intended to revitalize the community; existing infrastructure on  
 346 the land such as roads, water, sewer, and electricity; access to  
 347 grocery stores within walking distance or by public  
 348 transportation; access to employment opportunities within

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349 walking distance or by public transportation; access to public  
 350 transportation within one-half mile; and access to community  
 351 services such as public libraries, food kitchens, and employment  
 352 centers.

353 (4) If the corporation determines that the nonconservation  
 354 surplus land is suitable for the construction of affordable  
 355 housing, the entity seeking to dispose of the parcel must first  
 356 offer the land to the county and any municipality in which the  
 357 land is located to be used for the construction of affordable  
 358 housing before the entity offers the land to other governmental  
 359 entities or the public. If the county and any municipality where  
 360 the parcel is located do not wish to use the parcel for  
 361 affordable housing, the entity may dispose of the parcel as  
 362 otherwise provided by law or this section.

363 (5) The Board of Trustees of the Internal Improvement Trust  
 364 Fund, the Department of Transportation, and the water management  
 365 districts may sell the parcels identified by the corporation as  
 366 suitable for affordable housing for less than the appraised  
 367 value to any party so long as the agency places an encumbrance  
 368 on the parcels to ensure that the purchaser uses the land for  
 369 the construction and maintenance of affordable housing for a  
 370 period of at least 99 years.

371 (6) (a) The Board of Trustees of the Internal Improvement  
 372 Trust Fund, the Department of Transportation, and the water  
 373 management districts are exempt from the disposal procedures  
 374 provided in ss. 253.0341(8) and (9), 337.25(4) and (7), and  
 375 373.089(1), (2), (3), and (8) when disposing of nonconservation  
 376 surplus lands under this section.

377 (b) The sale price of land parcels disposed of pursuant to

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378 this section shall be determined by the entity disposing of the  
 379 parcel. The Department of Transportation, the Board of Trustees  
 380 of the Internal Improvement Trust Fund, and the water management  
 381 districts must consider at least one appraisal of the property  
 382 or, if the estimated value of the land is \$500,000 or less, a  
 383 comparable sales analysis or a broker's opinion of value.

384 Section 10. Subsection (16) of section 420.9071, Florida  
 385 Statutes, is amended to read:

386 420.9071 Definitions.—As used in ss. 420.907-420.9079, the  
 387 term:

388 (16) "Local housing incentive strategies" means local  
 389 regulatory reform or incentive programs to encourage or  
 390 facilitate affordable housing production, which include at a  
 391 minimum, expediting permits for affordable housing projects as  
 392 provided in s. 420.0007 ~~assurance that permits for affordable~~  
 393 ~~housing projects are expedited to a greater degree than other~~  
 394 ~~projects, as provided in s. 163.3177(6)(f)3-~~; an ongoing process  
 395 for review of local policies, ordinances, regulations, and plan  
 396 provisions that increase the cost of housing prior to their  
 397 adoption; and a schedule for implementing the incentive  
 398 strategies. Local housing incentive strategies may also include  
 399 other regulatory reforms, such as those enumerated in s.  
 400 420.9076 or those recommended by the affordable housing advisory  
 401 committee in its triennial evaluation of the implementation of  
 402 affordable housing incentives, and adopted by the local  
 403 governing body.

404 Section 11. Subsections (4) and (7) of section 253.0341,  
 405 Florida Statutes, are amended to read:

406 253.0341 Surplus of state-owned lands.—

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407 (4) Beginning July 1, 2018, and continuing every 3 years  
 408 thereafter, At least every 10 years, as a component of each land  
 409 management plan or land use plan and in a form and manner  
 410 adopted by rule of the board of trustees, each manager shall  
 411 evaluate and indicate to the board of trustees those lands that  
 412 are not being used for the purpose for which they were  
 413 originally leased. For conservation lands, the Acquisition and  
 414 Restoration Council shall review and recommend to the board of  
 415 trustees whether such lands should be retained in public  
 416 ownership or disposed of by the board of trustees. For  
 417 nonconservation lands, the Division of State Lands shall review  
 418 and recommend to the board of trustees whether such lands should  
 419 be retained in public ownership or disposed of by the board of  
 420 trustees.

421 (7) (a) The board of trustees must first offer  
 422 nonconservation surplus lands to the county and any municipality  
 423 in which the land is located for use for the construction of  
 424 affordable housing as identified by the Florida Housing Finance  
 425 Corporation pursuant to s. 420.56. All surplus buildings or land  
 426 not needed for affordable housing ~~Before a building or parcel of~~  
 427 ~~land is offered for lease or sale to a local or federal unit of~~  
 428 ~~government or a private party, it~~ shall first be offered for  
 429 lease to state agencies, state universities, and Florida College  
 430 System institutions, with priority consideration given to state  
 431 universities and Florida College System institutions. If the  
 432 surplus building or land is not used for the construction of  
 433 affordable housing or leased by a state agency, state  
 434 university, or Florida College System institution, the board of  
 435 trustees shall offer the building or parcel for lease or sale to

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436 a local or federal unit of government or a private party.

437 (b) Within 60 days after the offer for lease of a surplus  
 438 building or parcel, a state university or Florida College System  
 439 institution that requests the lease must submit a plan for  
 440 review and approval by the Board of Trustees of the Internal  
 441 Improvement Trust Fund regarding the intended use, including  
 442 future use, of the building or parcel of land before approval of  
 443 a lease. Within 60 days after the offer for lease of a surplus  
 444 building or parcel, a state agency that requests the lease of  
 445 such facility or parcel must submit a plan for review and  
 446 approval by the board of trustees regarding the intended use.  
 447 The state agency plan must, at a minimum, include the proposed  
 448 use of the facility or parcel, the estimated cost of renovation,  
 449 a capital improvement plan for the building, evidence that the  
 450 building or parcel meets an existing need that cannot otherwise  
 451 be met, and other criteria developed by rule by the board of  
 452 trustees. The board or its designee shall compare the estimated  
 453 value of the building or parcel to any submitted business plan  
 454 to determine if the lease or sale is in the best interest of the  
 455 state. The board of trustees shall adopt rules pursuant to  
 456 chapter 120 for the implementation of this section.

457 Section 12. Subsection (3) is amended and subsection (12)  
 458 is added to section 337.25, Florida Statutes, to read:

459 337.25 Acquisition, lease, and disposal of real and  
 460 personal property.—

461 (3) Beginning July 1, 2018, the department shall evaluate  
 462 all of its land not within a transportation corridor or within  
 463 the right-of-way of a transportation facility at least every 10  
 464 years on a rotating basis to determine whether the property

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465 ~~should be retained. The inventory of real property that was~~  
 466 ~~acquired by the state after December 31, 1988, that has been~~  
 467 ~~owned by the state for 10 or more years, and that is not within~~  
 468 ~~a transportation corridor or within the right-of-way of a~~  
 469 ~~transportation facility shall be evaluated to determine the~~  
 470 ~~necessity for retaining the property.~~ If the property is not  
 471 needed for the construction, operation, and maintenance of a  
 472 transportation facility or is not located within a  
 473 transportation corridor, the department may dispose of the  
 474 property pursuant to subsection (4).

475 (12) Except in a conveyance transacted under paragraphs  
 476 (4) (a), (c), and (e), the department must first offer  
 477 nonconservation surplus lands to the county and any municipality  
 478 in which the lands are located for use as affordable housing as  
 479 identified by the Florida Housing Finance Corporation pursuant  
 480 to s. 420.56.

481 Section 13. Subsection (1) is amended and subsection (9) is  
 482 added to section 373.089, Florida Statutes, to read:

483 373.089 Sale or exchange of lands, or interests or rights  
 484 in lands.—The governing board of the district may sell lands, or  
 485 interests or rights in lands, to which the district has acquired  
 486 title or to which it may hereafter acquire title in the  
 487 following manner:

488 (1) Beginning on July 1, 2018, the district shall review  
 489 all lands and interests or rights in lands every 10 years on a  
 490 rotating basis to determine whether the lands are still needed  
 491 for the purpose for which they were acquired. Any lands, or  
 492 interests or rights in lands, determined by the governing board  
 493 to be surplus may be sold by the district, at any time, for the

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494 highest price obtainable; however, in no case shall the selling  
 495 price be less than the appraised value of the lands, or  
 496 interests or rights in lands, as determined by a certified  
 497 appraisal obtained within 360 days before the effective date of  
 498 a contract for sale.

499 (9) The governing board must first offer nonconservation  
 500 surplus lands to the county and any municipality in which the  
 501 land is located for use for the construction of affordable  
 502 housing as identified by the Florida Housing Finance Corporation  
 503 pursuant to s. 420.56. Districts must only offer nonconservation  
 504 surplus lands originally acquired using state funds.

505  
 506 If the Board of Trustees of the Internal Improvement Trust Fund  
 507 declines to accept title to the lands offered under this  
 508 section, the land may be disposed of by the district under the  
 509 provisions of this section.

510 Section 14. This act shall take effect July 1, 2018.



**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SB 1426  
 INTRODUCER: Senator Lee  
 SUBJECT: Local Government Fiscal Transparency  
 DATE: January 29, 2018      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Present	Yeatman	CA	<b>Favorable</b>
2.	_____	_____	AP	_____
3.	_____	_____	RC	_____

**I. Summary:**

SB 1426 creates the Local Government Fiscal Transparency Act.

Specifically, the bill requires local government to post the voting records related to tax increases and issuance of tax-supported debt on its website. The bill also requires each county property appraiser to maintain a website that provides access to property tax TRIM notices and a 4-year history of property tax rates and amounts levied on each parcel. Additionally, the bill requires a 4-year history of property tax rates and total revenue generated to be provided on such local government websites.

The bill requires additional public meetings and expands public notice requirements for local option tax increases, other than property taxes, and new tax-supported debt issuances. Public notices for proposed tax increases must contain information regarding the rate and total annual amount of revenue expected, the annual additional revenue expressed as a percent of annual general fund revenue, detailed explanation of intended uses of the levy, and an indication of whether or not the tax proceeds will be used to secure debt. Public notices for proposed new debt issuance must disclose the total lifetime costs of the debt, annual debt service, and effects of the new debt on a government’s debt affordability measures.

Furthermore, local governments must conduct a debt affordability analysis before approving the issuance of new tax-supported debt. The analysis must, at a minimum, calculate a debt affordability ratio<sup>1</sup> for the most recent 5 previous years and at least 2 projected years to gauge the effects of the new debt issuance on the government’s debt service to revenue profile.

<sup>1</sup> The debt affordability ratio is the annual debt service for outstanding tax-supported debt divided by total annual revenues available to pay debt service on outstanding debt.

The bill also contains several additional elements intended to increase the fiscal transparency of local governments including:

- Requiring that annual audit reports contain an affidavit signed by the chair of the local government governing board stating that it is in compliance with the provisions of the Local Government Fiscal Transparency Act;
- Requiring the Auditor General to request evidence of corrective action from local governments found not to be in compliance under certain circumstances;
- Requiring local governments to provide evidence of such correction action and evidence of completion of such action within a specified period; and
- Revising the local government reporting requirements for economic development incentives.

## **II. Present Situation:**

The present situation is included in the proposed changes analysis below.

## **III. Effect of Proposed Changes:**

### **General Provisions (Bill Section 5)**

The bill creates Part VIII of Chapter 218, F.S., titled the “Local Government Fiscal Transparency Act.” The substantive provisions of the bill are explained more fully below. The bill creates s. 218.803, F.S., providing that the purpose of the Act is to:

Promote the fiscal transparency of local governments when using public funds by requiring additional public noticing of proposed local government actions that would increase taxes, enact new taxes, extend expiring taxes, or issue tax-supported debt and requiring voting records of local governing bodies related to such actions to be easily and readily accessible by the public.

The bill provides several definitions in s. 218.805, F.S., as follows:

- “Debt” is defined as bonds, loans, promissory notes, lease-purchase agreements, certificates of participation, installment sales, leases, or any other financing mechanisms or financial arrangements, whether or not a debt for legal purposes, for financing or refinancing the acquisition, construction, improvement, or purchase of capital outlay projects.
- “Local government” is defined as any county, municipality, school district, special district dependent to a county or municipality, municipal service taxing unit, or independent special district, but does not include special dependent or independent districts established to provide hospital services, provided such special districts do not levy, assess, and collect ad valorem taxes.
- “Tax increase” is defined as:
  - For ad valorem taxes, any increase in a local government’s millage rate above the rolled-back rate as defined in s. 200.065(1), F.S.
  - For all other taxes, a tax enactment, tax extension, or an increase in the tax rate.
- “Tax-supported debt” is defined as debt with a duration of more than 5 years secured in whole or in part by state or local tax levies, whether such security is direct or indirect, explicit or implicit, and includes, but is not limited to, debt for which annual appropriations

pledged for payment are from government fund types receiving tax revenues or shared revenues from state tax sources. The term does not include debt secured solely by the revenues generated by the project that is financed with the debt.

## **Voting Record Access: Property Tax, Local Option Taxes, and New Debt Issuance (Bill Section 5)**

### ***Current Situation***

While the voting records of local governments' governing boards are public records<sup>2</sup> and therefore subject to public disclosure, there is no current requirement under Florida law for local governments to make available, on their website, the voting records of their governing board on votes taken related to tax increases or the new issuance of tax-supported debt.

Under current law, there are a number of different types of public notice requirements for actions taken by local governments related to tax increases and new tax-supported debt issuance. For example, many of these actions by municipalities and counties require the adoption of an ordinance. Generally, the adoption of an ordinance requires publication of notice in a newspaper at least 10 days before the meeting when such adoption is scheduled to occur.<sup>3</sup>

### ***Proposed Changes***

The bill creates s. 218.81, F.S., to require each local government to post on its website, in a manner that is easily accessible to the public, the voting records of each action taken by the local governing board during the most recent four years related to tax increases or new tax-supported debt issuance. However, debt that was refinanced or refunded and that did not extend the term or increase the outstanding principal amount of the original debt does not need to be included. The bill phases these provisions in over 4 years.

The bill also requires that the local government provide links on its website to allow users to navigate to related sites for supporting details or documentation as applicable. Additionally, the local government must include the website address where the voting records can be accessed with the public notice of a tax increase or the issuance of new tax-supported debt.

## **Tax History: Property Taxes (Bill Section 5)**

### ***Current Situation***

Chapter 200, F.S., is titled "Determination of Millage" and generally governs the process, procedures, and limitations on the establishment of millage rates by units of local government with ad valorem taxing authority. Section 200.069, F.S., requires the preparation and delivery by the county property appraiser of a "notice of proposed property taxes and non-ad valorem assessments." This is commonly referred to as the truth-in-millage notice or TRIM notice, and it is sent on behalf of all taxing authorities and local governing boards levying both ad valorem taxes and non-ad valorem assessments on a parcel to the owner of each parcel on the current

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<sup>2</sup> See Chapter 119, F.S., generally, and s. 119.01, F.S.

<sup>3</sup> See ss. 125.66 and 166.041, F.S.

year’s assessment roll. The TRIM notice contains the following parcel-specific information in the following format for each taxing authority:

Taxing Authority	Your Property Taxes Last Year	Millage Rate Last Year	Your Taxes This Year IF PROPOSED Budget Change is Made	Millage Rate This Year IF PROPOSED Budget Change is Made	A Public Hearing on the Proposed Taxes and Budget Will be Held:	Your Taxes This Year IF NO Budget Change is Made	Millage Rate IF NO Budget Change is Made
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The TRIM notice also includes the times and places for local government board meetings at which tentative budgets and proposed tax rates are to be considered, prior to final approval.

Parcel-specific histories of property tax bills are commonly available on county tax collectors’ or property appraisers’ websites.

***Proposed Changes***

The bill creates s. 218.82, F.S., to require each county property appraiser to maintain a website that includes, in a manner easily accessible by the public, for each parcel of property, the TRIM notice and a minimum of 4 years of history of the millage rate and the amount of tax levied by each taxing authority on each parcel. The bill phases-in these requirements for the millage and tax levied as follows:

- By October 1, 2017, 2 years of history;
- By October 1, 2018, 3 years of history; and
- By October 1, 2019, and thereafter 4 years of history.

The bill further requires each local government to post on its website, in a manner that is easily accessible to the public, a minimum of 4 years of history of its annual millage rates and the total annual amount of property tax revenue generated by each of these levies. The bill allows these provisions to be phased in over 3 years.

**Public Notice: Local Option Tax Increases and New Debt Issuance (Bill Section 5)**

***Current Situation***

As mentioned above, under current law, there are a number of different types of public notice requirements for actions taken by local governments related to tax increases and new tax-supported debt issuance. For example, many of these actions by municipalities and counties require the adoption of an ordinance. Generally, the adoption of an ordinance requires publication of notice in a newspaper at least 10 days before the meeting when the adoption is scheduled to occur. School districts are required to hold elections before the issuance of certain bonds.<sup>4</sup> These elections require publication of notice at least once a week for 2 consecutive weeks in a newspaper published in the district.<sup>5</sup>

<sup>4</sup> Section 1010.41, F.S.

<sup>5</sup> Section 1010.43, F.S.

In addition, as mentioned above, Chapter 200, F.S., generally governs the process, procedures and limitations on the establishment of millage rates by units of local government with ad valorem taxing authority. The chapter specifies all of the steps required by various persons in establishing a millage rate for a given taxing authority. Included in these required steps are various noticing requirements. For example, in addition to the preparation and distribution of the TRIM notice as described above, each local government must hold at least two public hearings to first adopt a tentative budget and then to adopt a final budget. The public meeting held to adopt the final budget requires publication of notice in a newspaper of general circulation in the county stating the governing board's intent to adopt a final millage rate and budget.<sup>6</sup> The form of the notice is prescribed in statute.<sup>7</sup>

### ***Proposed Changes***

The bill creates s. 218.83, F.S., to require an additional public meeting of the local governing board before the board takes final action on a tax increase<sup>8</sup> or final action on a new tax-supported debt issuance. Specifically, at least 14 days before the governing body meeting to take a final vote to approve a tax increase or to approve the issuance of any new tax-supported debt, the governing body must hold a public hearing to solicit public input on the proposed tax increase or new tax-supported debt issuance. The public is specifically allowed to speak and ask questions relevant to the proposed tax increase or debt issuance. The public hearing must be held after 5 p.m. if scheduled on a day other than Saturday and may not be held on a Sunday.

If, after the public hearing required 14 days before the governing body meeting to take a final vote, the local government intends to proceed with a vote to approve a tax increase or the new issuance of tax-support debt, the local government must provide additional public notice at least 10 days before the date of the schedule meeting. The notice must be in an advertisement in a newspaper of general circulation in the county or counties where the local government is located. In lieu of publishing in a newspaper, the local government may mail a copy of the notice to each elector residing within the jurisdiction of the local government. However, the mailed notice must also be posted on the local government's website in a manner that is easily accessible to the public.

Current noticing and meeting requirements regarding ad valorem taxes are unchanged. For tax increases, the notice must include at a minimum:

- A statement prominently posted that the local government intends to vote on a proposed new tax enactment, tax extension, or tax rate increase;
- The time and place of the meeting;
- The amount of the tax increase, including both the rate and total amount of annual revenue expected to be generated and the expected annual revenue expressed as a percentage of the local government's general revenue fund;
- A detailed explanation of the intended uses of the levy; and
- A statement indicating whether the governing board expects to use the tax proceeds to secure debt.

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<sup>6</sup> Section 200.065(2)(d), F.S.

<sup>7</sup> Section 200.065(3), F.S.

<sup>8</sup> For the purposes of this section, a tax increase does not include an ad valorem tax increase.

For the new issuance of tax-supported debt, the notice must include at a minimum:

- A statement prominently posted that the local government intends to vote on a proposed new issuance of tax-supported debt;
- The time and place of the meeting;
- A truth in bonding statement that includes the amount of the debt, the period of time over which the debt is expected to be repaid, a forecasted interest rate for the debt, the total amount of interest expected to be paid over the term of the debt issuance, the source of repayment or security for the debt, and a statement that the authorization of the debt will result in a specific amount of money being unavailable to finance the other services of the local government for each year of the term of the debt; and
- Presentation of the debt affordability ratios required to be calculated pursuant to s. 218.84, F.S. (see Debt Affordability Measures below).

### **New Debt Issuance: Debt Affordability Measures (Bill Section 5)**

#### ***Current Situation***

Section 215.98, F.S., requires the state to annually prepare a debt affordability report. The report is required to include, at a minimum:

- A listing of state debt outstanding, other debt secured by state revenues, and other contingent debt;
- An estimate of revenues available for the next 10 fiscal years to pay debt service, including general revenues plus any revenues specifically pledged to pay debt service;
- An estimate of additional debt issuance for the next 10 fiscal years for the state's existing borrowing programs;
- A schedule of the annual debt service requirements, including principal and interest allocation, on the outstanding state debt and an estimate of the annual debt service requirements on the debt for each of the next 10 fiscal years;
- An overview of the state's general obligation credit rating;
- Identification and calculation of pertinent debt ratios, including, but not limited to, debt service to revenues available to pay debt service, debt to personal income, and debt per capita for the state's net tax-supported debt;
- The estimated debt capacity available over the next 10 fiscal years without the benchmark debt ratio of debt service to revenue exceeding 6 percent; and
- A comparison of the debt ratios prepared for the report with the comparable debt ratios for the 10 most populous states.

Section 215.98, F.S., also requires legislative statements of determination (commonly referred to as "budget statements") in the legislative authorization of new tax-supported debt if the additional borrowing would exceed certain benchmark debt ratios. If the ratio of debt service to revenue available to pay debt service on tax-supported debt would exceed 6 percent as a result of the borrowing, the statement of determination is that such authorization and issuance is in the best interest of the state and should be implemented. If the same ratio would exceed 7 percent because of the borrowing, the required statement is that such additional debt is necessary to address a critical state emergency.

### ***Proposed Changes***

The bill creates s. 218.84, F.S., to require local governments to conduct and consider a debt affordability analysis before approving the issuance of new tax-supported debt. The analysis must, at a minimum, consist of the calculation of the local government's actual debt affordability ratio for the 5 fiscal years before the year the debt is expected to be issued and a projection of the ratio for at least the 2 fiscal years in which the new debt is expected to be issued. The analysis must include a comparison of the debt affordability ratio with and without the new debt issuance. The debt affordability ratio is the total annual debt service for outstanding tax-supported debt divided by total annual revenues available to pay debt service on outstanding debt.

### **Consequences for Non-Compliance (Bill Sections 1, 2, and 5)**

#### ***Current Situation***

Section 218.39, F.S., governs annual audit reports of local entities. If, by the first day in any fiscal year, a local governmental entity, district school board, charter school, or charter technical career center has not been notified that a financial audit for that fiscal year will be performed by the Auditor General, those entities must have an annual financial audit of its accounts and records completed within 9 months after the end of its fiscal year by an independent certified public accountant retained by it and paid from its public funds. The types of local governments covered by this provision are:

- Each county;
- Any municipality with revenues or the total of expenditures and expenses in excess of \$250,000;
- Any special district with revenues or the total of expenditures and expenses in excess of \$100,000;
- Each district school board;
- Each charter school established under s. 1002.33, F.S; and
- Each charter technical center established under s. 1002.34, F.S.<sup>9</sup>

At the conclusion of the audit, the auditor must discuss with the statutorily designated person for each entity, all of the auditor's comments that will be included in the audit report. If the officer is not available to discuss the auditor's comments, their discussion is presumed when the comments are delivered in writing to his or her office.<sup>10</sup> The auditor is required to prepare an audit report in accordance with the rules of the Auditor General. The audit report must be filed with the Auditor General within 45 days after delivery of the audit report to the governing body of the audited entity, but no later than 9 months after the end of the audited entity's fiscal year. The audit report must include a written statement describing corrective actions to be taken in response to each of the auditor's recommendations included in the audit report.<sup>11</sup>

The Auditor General is required to notify the Legislative Auditing Committee of any audit report prepared pursuant to this section which indicates that an audited entity failed to take full

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<sup>9</sup> Municipalities with revenues or the total of expenditures and expenses between \$100,000 and \$250,000, and special districts with revenues or the total of expenditures and expenses between \$50,000 and \$100,000 are also covered in certain circumstances. Section 218.39(1)(g)-(h), F.S.

<sup>10</sup> Section 218.39(5), F.S.

<sup>11</sup> Section 218.39(7), F.S.

corrective action in response to a recommendation that was included in the two preceding financial audit reports.<sup>12</sup> The Legislative Auditing Committee may direct the governing body of the audited entity to provide a written statement to the committee explaining why full corrective action has not been taken or, if the governing body intends to take full corrective action, describing the corrective action to be taken and when it will occur.<sup>13</sup> If the Legislative Auditing Committee determines that the written statement is not sufficient, it may require the chair of the governing body of the local governmental entity, the elected official of each county agency, the chair of the district school board, the chair of the board of the charter school, or the chair of the board of the charter technical career center, to appear before the committee.<sup>14</sup> If the Legislative Auditing Committee determines that an audited entity failed to take full corrective action for which there is no justifiable reason for not taking such action, or has failed to comply with committee requests made pursuant to this section, the committee may proceed in accordance with s. 11.40(2), F.S.<sup>15</sup>

Section 11.40, F.S., governs the Legislative Auditing Committee, its authority, and the actions it may take in specified circumstances. In the case of a local governmental entity or district school board, these actions include, but are not limited to, directing the Department of Revenue and the Department of Financial Services to withhold any funds not pledged for bond debt service satisfaction which are payable to such entity until the entity complies with the law.<sup>16</sup>

### ***Proposed Changes***

The bill creates s. 218.88, F.S., to require the annual audit reports described above to include an affidavit executed by the chair of the governing board of the local government stating that the local government has complied with the requirements of the newly created Part VIII of Chapter 218, F.S., as contemplated by the bill. If the local government has not complied, the affidavit must include a description of the noncompliance and corrective action taken by the local government to correct the noncompliance and to prevent such noncompliance in the future.

The bill amends s. 11.45, F.S., in Bill Section 2, to require local governments not in compliance with Part VIII of Chapter 218, F.S., to provide, upon request of the Auditor General, evidence of the initiation of corrective action within 45 days after the date it is requested by the Auditor General and evidence of completion of corrective action within 180 days after the date it is requested by the Auditor General. The Auditor General must notify the Legislative Auditing Committee if the local government fails to comply with the Auditor General's request or is unable to take correction action within the required timeframe.

Failure to comply with Part VIII, Chapter 218, F.S., could therefore ultimately result in the Legislative Auditing Committee directing the Department of Revenue and the Department of Financial Services to withhold any funds not pledged for bond debt service satisfaction which are payable to such entity until the entity complies with the law.<sup>17</sup> This would include revenue

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<sup>12</sup> Section 218.39(8), F.S.

<sup>13</sup> Section 218.39(8)(a), F.S.

<sup>14</sup> Section 218.39(8)(b), F.S.

<sup>15</sup> Section 218.39(8)(c), F.S.

<sup>16</sup> Section 11.40(2)(a), F.S.

<sup>17</sup> Section 11.40(2), F.S.

sharing monies that the state shares with local governments. Generally, state-shared revenue programs allocate all or some portion of a state-collected fee or tax to specified local governments based on eligibility requirements. In some cases, a formula has been developed for the allocation of funds between units of local government. While general law restricts the use of several shared revenues, proceeds derived from other shared revenues may be used for the general revenue needs of local governments.

The bill also amends s. 11.40, F.S., in Bill Section 1, to authorize the Department of Financial Services and the Division of Bond Finance of the State Board of Administration to subject a local government entity, district school board, charter school, or charter technical career center to further state action if such entities fail to comply with Part VIII of Chapter 218, F.S.

### **Administrative Changes (Bill Section 5)**

The bill creates s. 218.89, F.S., to require various types of information to be included on local government websites. The bill provides that if a local government is required to post information to its website, but does not operate a website, the local government must inform the county or counties within which the local government is located, of any information required to be posted. Each such county must post the required information from such local government on the county's website.

### **Economic Development Incentive Reporting (Bill Sections 3 and 4)**

#### ***Current Situation***

Sections 125.045 and 166.021, F.S., require local governments to provide the Office of Economic and Demographic Research (EDR) with details regarding their economic development incentives in excess of \$25,000 granted during the previous fiscal year. EDR annually collects this data from local governments through an online survey, coupled with follow-up communications as necessary. The survey questions are guided by four categories of incentives: direct financial incentives of monetary assistance, indirect incentives in the forms of grants and loans, fee-based or tax-based incentives, and below-market rate leases or deeds for real property. EDR compiles the economic development incentives provided by the local governments in a manner that shows the total of each class of incentives into a report and provides the report to the President of the Senate, Speaker of the House of Representatives, and the Department of Economic Opportunity.

#### ***Proposed Changes***

The bill amends ss. 125.045 and 166.021, F.S., to revise the local government reporting requirements for economic development incentives. Specifically, the bill requires each county and municipality to report whether the incentive was provided directly to an individual business or by another entity on behalf of the local government and the source of local dollars, and any state or federal dollars obligated for the incentive.

The bill also revises the classes of economic development incentives. The bill requires reporting on financial incentives; general assistance, services, and support; and business recruitment, retention, or expansion efforts.

The bill requires EDR to compare the results of the economic development incentives provided by all local governments with the results of state incentives provided in similar classes to the extent that such a comparison is possible.

**Other Miscellaneous Provisions (Bill Sections 5, 7, 8, and 9)**

The bill transfers and renumbers section 218.80 as section 218.795, F.S., amends s. 218.32(1)(e), F.S., to conform a cross-reference, and contains a legislative finding that the act fulfills an important state interest.

The effective date of the bill is July 1, 2018.

**IV. Constitutional Issues:**

**A. Municipality/County Mandates Restrictions:**

The county/municipality mandates provision of Art. VII, s. 18 of the Florida Constitution may apply because this bill could require expenditures related to the provision of additional data on local government websites, additional noticing requirements and public meetings, and additional required analysis of debt affordability.

However, there are several exemptions and exceptions to the mandate requirements. The mandate requirements do not apply to laws having an insignificant impact, which for Fiscal Year 2017-2018 was approximately \$2.05 million or less.<sup>18,19,20</sup> If none of the exemptions or exceptions apply, the bill must contain a finding that the bill fulfills an important state interest and must be approved by two-thirds of the membership of each house of the Legislature.

Bill Section 8 provides that this act fulfills an important state interest.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

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<sup>18</sup> FLA. CONST. art. VII, s. 18(d).

<sup>19</sup> An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf>.

<sup>20</sup> Based on the Demographic Estimating Conference's population adopted on April 1, 2017. The executive summary is available at <http://edr.state.fl.us/Content/conferences/population/demographicsummary.pdf>.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Households and businesses will have improved access to upcoming local government decisions regarding tax increases and new debt issuance.

**C. Government Sector Impact:**

The provisions of the bill are expected to require indeterminate expenditures by local governments. The provisions of the bill have no direct impact on local government revenue. The provisions of the bill, though, may increase public scrutiny of local government decisions to increase taxes. Consequently, some tax increases that otherwise would have occurred may not happen.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 11.40, 11.45, 125.045, 166.021, and 218.32.

This bill creates the following sections of the Florida Statutes: 218.801, 218.803, 218.805, 218.81, 218.82, 218.83, 218.84, 218.88, and 218.89.

This bill transfers and renumbers section 218.80 of the Florida Statutes as section 218.795 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1-30-18

Bill Number (if applicable) 1426

Topic LOCAL GOVT ACCOUNTABILITY

Amendment Barcode (if applicable)

Name KUREA YOUNG

Job Title ASSOCIATE DIR. OF PUBLIC POLICY

Address 100 N. MONROE ST

Phone 254-838

Street IAL State AL Zip 32301

Email LYOUNG@FLCOURTS.COM

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing FLORIDA ASSOCIATION OF COURTES

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

By Senator Lee

20-00941-18

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1 A bill to be entitled  
 2 An act relating to local government fiscal  
 3 transparency; amending s. 11.40, F.S.; expanding the  
 4 scope of the Legislative Auditing Committee review to  
 5 include compliance with local government fiscal  
 6 transparency requirements; amending s. 11.45, F.S.;  
 7 providing procedures for the Auditor General and local  
 8 governments to comply with the local government fiscal  
 9 transparency requirements; amending ss. 125.045 and  
 10 166.021, F.S.; revising reporting requirements for  
 11 certain local government economic development  
 12 incentives; transferring and renumbering s. 218.80,  
 13 F.S.; creating part VIII of ch. 218, F.S., consisting  
 14 of ss. 218.801, 218.803, 218.805, 218.81, 218.82,  
 15 218.83, 218.84, 218.88, and 218.89, F.S.; providing a  
 16 short title; specifying the purpose of the local  
 17 government fiscal transparency requirements; providing  
 18 definitions; requiring local governments to post  
 19 certain voting record information on their websites;  
 20 requiring the posting of specified links to related  
 21 sites if certain documentation or details are  
 22 available; requiring property appraisers to post  
 23 certain property tax information and history on their  
 24 websites; requiring local governments to post certain  
 25 property tax information and history on their  
 26 websites; requiring public notices for public hearings  
 27 and meetings before certain increases of local  
 28 government tax levies or the issuance of new tax-  
 29 supported debt; specifying noticing and advertising

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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30 requirements for such public hearings and meetings;  
 31 requiring local governments to conduct certain debt  
 32 affordability analyses under specified conditions;  
 33 requiring audits of financial statements of local  
 34 governments to be accompanied by an affidavit signed  
 35 by the chair of the local government governing board;  
 36 requiring certain information to be included in  
 37 affidavits filed with the Auditor General; providing a  
 38 method for local governments that do not operate a  
 39 website to post certain required information; amending  
 40 s. 218.32, F.S.; conforming a cross-reference;  
 41 providing that this act fulfills an important state  
 42 interest; providing an effective date.  
 43  
 44 Be It Enacted by the Legislature of the State of Florida:  
 45  
 46 Section 1. Subsection (2) of section 11.40, Florida  
 47 Statutes, is amended to read:  
 48 11.40 Legislative Auditing Committee.—  
 49 (2) Following notification by the Auditor General, the  
 50 Department of Financial Services, or the Division of Bond  
 51 Finance of the State Board of Administration of the failure of a  
 52 local governmental entity, district school board, charter  
 53 school, or charter technical career center to comply with the  
 54 applicable provisions within s. 11.45(5)-(7), s. 218.32(1), s.  
 55 218.38, ~~or~~ s. 218.503(3), or part VIII of chapter 218, the  
 56 Legislative Auditing Committee may schedule a hearing to  
 57 determine if the entity should be subject to further state  
 58 action. If the committee determines that the entity should be

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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59 subject to further state action, the committee shall:

60 (a) In the case of a local governmental entity or district  
61 school board, direct the Department of Revenue and the  
62 Department of Financial Services to withhold any funds not  
63 pledged for bond debt service satisfaction which are payable to  
64 such entity until the entity complies with the law. The  
65 committee shall specify the date such action shall begin, and  
66 the directive must be received by the Department of Revenue and  
67 the Department of Financial Services 30 days before the date of  
68 the distribution mandated by law. The Department of Revenue and  
69 the Department of Financial Services may implement the  
70 provisions of this paragraph.

71 (b) In the case of a special district created by:

72 1. A special act, notify the President of the Senate, the  
73 Speaker of the House of Representatives, the standing committees  
74 of the Senate and the House of Representatives charged with  
75 special district oversight as determined by the presiding  
76 officers of each respective chamber, the legislators who  
77 represent a portion of the geographical jurisdiction of the  
78 special district, and the Department of Economic Opportunity  
79 that the special district has failed to comply with the law.  
80 Upon receipt of notification, the Department of Economic  
81 Opportunity shall proceed pursuant to s. 189.062 or s. 189.067.  
82 If the special district remains in noncompliance after the  
83 process set forth in s. 189.0651, or if a public hearing is not  
84 held, the Legislative Auditing Committee may request the  
85 department to proceed pursuant to s. 189.067(3).

86 2. A local ordinance, notify the chair or equivalent of the  
87 local general-purpose government pursuant to s. 189.0652 and the

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88 Department of Economic Opportunity that the special district has  
89 failed to comply with the law. Upon receipt of notification, the  
90 department shall proceed pursuant to s. 189.062 or s. 189.067.  
91 If the special district remains in noncompliance after the  
92 process set forth in s. 189.0652, or if a public hearing is not  
93 held, the Legislative Auditing Committee may request the  
94 department to proceed pursuant to s. 189.067(3).

95 3. Any manner other than a special act or local ordinance,  
96 notify the Department of Economic Opportunity that the special  
97 district has failed to comply with the law. Upon receipt of  
98 notification, the department shall proceed pursuant to s.  
99 189.062 or s. 189.067(3).

100 (c) In the case of a charter school or charter technical  
101 career center, notify the appropriate sponsoring entity, which  
102 may terminate the charter pursuant to ss. 1002.33 and 1002.34.

103 Section 2. Present paragraphs (d) through (j) of subsection  
104 (7) of section 11.45, Florida Statutes, are redesignated as  
105 paragraphs (e) through (k), respectively, and a new paragraph  
106 (d) is added to that subsection, to read:

107 11.45 Definitions; duties; authorities; reports; rules.—

108 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

109 (d) During the Auditor General's review of audit reports,  
110 he or she shall contact each local government, as defined in s.  
111 218.805(2), that is not in compliance with part VIII of chapter  
112 218 and request evidence of corrective action. The local  
113 government shall provide the Auditor General with evidence of  
114 the initiation of corrective action within 45 days after the  
115 date it is requested by the Auditor General and evidence of  
116 completion of corrective action within 180 days after the date

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117 it is requested by the Auditor General. If the local government  
 118 fails to comply with the Auditor General's request or is unable  
 119 to take corrective action within the required timeframe, the  
 120 Auditor General shall notify the Legislative Auditing Committee.

121 Section 3. Subsection (5) of section 125.045, Florida  
 122 Statutes, is amended to read:

123 125.045 County economic development powers.—

124 (5) (a) By January 15 of each year, ~~2011, and annually~~  
 125 ~~thereafter,~~ each county shall report to the Office of Economic  
 126 and Demographic Research ~~the economic development incentives in~~  
 127 ~~excess of \$25,000 given to businesses ~~any business~~ during the~~  
 128 ~~county's previous fiscal year. The Office of Economic and~~  
 129 ~~Demographic Research shall compile the information from the~~  
 130 ~~counties into a report and provide the report to the President~~  
 131 ~~of the Senate, the Speaker of the House of Representatives, and~~  
 132 ~~the Department of Economic Opportunity. The county shall~~  
 133 identify whether the economic development incentive is provided  
 134 directly by the county or by another entity on behalf of the  
 135 county, as well as the source of local dollars, and any state or  
 136 federal dollars obligated for the incentive. Economic  
 137 development incentives, for purposes of this report, are  
 138 classified as follows include:

139 1. ~~Class one: Direct~~ Financial incentives ~~of monetary~~  
 140 ~~assistance provided to an individual a business from the county~~  
 141 ~~or through an organization authorized by the county. Such~~  
 142 ~~incentives include;~~ but are not limited to, grants, loans,  
 143 equity investments, loan insurance and guarantees, and training  
 144 subsidies.

145 a. Grants.

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146 b. Tax-based credits, refunds, or exemptions.

147 c. Fee-based credits, refunds, or exemptions.

148 d. Loans, loan insurance, or loan guarantees.

149 e. Below-market rate leases or deeds for real property.

150 f. Job training or recruitment.

151 g. Subsidized or discounted government services.

152 h. Infrastructure improvements.

153 2. Class two: General assistance, services, and support  
 154 provided collectively to businesses with a common interest or  
 155 purpose. Such incentives include:

156 a. Technical assistance and training.

157 b. Business incubators and accelerators.

158 c. Infrastructure improvements ~~indirect~~ incentives in the  
 159 ~~form of grants and loans provided to businesses and community~~  
 160 ~~organizations that provide support to businesses or promote~~  
 161 ~~business investment or development.~~

162 3. Class three: Business recruitment, retention, or  
 163 expansion efforts provided to benefit an individual business or  
 164 class of businesses. Such incentives include:

165 a. Marketing and market research.

166 b. Trade missions and trade shows.

167 c. Site selection.

168 d. Targeted assistance with the permitting and licensing  
 169 process.

170 e. Business plan or project development ~~Fee-based or tax-~~  
 171 ~~based incentives, including, but not limited to, credits,~~  
 172 ~~refunds, exemptions, and property tax abatement or assessment~~  
 173 ~~reductions.~~

174 4. ~~Below-market rate leases or deeds for real property.~~

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175 (b) A county shall report its economic development  
176 incentives in the format specified by the Office of Economic and  
177 Demographic Research.

178 (c) The Office of Economic and Demographic Research shall  
179 compile the economic development incentives provided by each  
180 county in a manner that shows the total of each class of  
181 economic development incentives provided by each county and all  
182 counties. To the extent possible, the office shall compare the  
183 results of the economic development incentives provided by all  
184 counties to the results of state incentives provided in similar  
185 classes.

186 Section 4. Paragraph (e) of subsection (8) of section  
187 166.021, Florida Statutes, is amended to read:

188 166.021 Powers.—

189 (8)

190 (e)1. By January 15 of each year, 2011, and annually  
191 thereafter, each municipality having annual revenues or  
192 expenditures greater than \$250,000 shall report to the Office of  
193 Economic and Demographic Research ~~the~~ economic development  
194 incentives in excess of \$25,000 given to businesses ~~any business~~  
195 during the municipality's previous fiscal year. The Office of  
196 Economic and Demographic Research shall compile the information  
197 from the municipalities into a report and provide the report to  
198 the President of the Senate, the Speaker of the House of  
199 Representatives, and the Department of Economic Opportunity. The  
200 municipality shall identify whether the economic development  
201 incentive was provided directly by the municipality or by  
202 another entity on behalf of the municipality, as well as the  
203 source of local dollars, and any state or federal dollars

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204 obligated for the incentive. Economic development incentives,  
205 for purposes of this report, are classified as follows include:

206 a. Class one: ~~Direct~~ Financial incentives ~~of monetary~~  
207 assistance provided to an individual a business ~~from the~~  
208 ~~municipality or through an organization authorized by the~~  
209 ~~municipality.~~ Such incentives include: ~~but are not limited to,~~  
210 ~~grants, loans, equity investments, loan insurance and~~  
211 ~~guarantees, and training subsidies.~~

212 (I) Grants.

213 (II) Tax-based credits, refunds, or exemptions.

214 (III) Fee-based credits, refunds, or exemptions.

215 (IV) Loans, loan insurance, or loan guarantees.

216 (V) Below-market rate leases or deeds for real property.

217 (VI) Job training or recruitment.

218 (VII) Subsidized or discounted government services.

219 (VIII) Infrastructure improvements.

220 b. Class two: General assistance, services, and support  
221 provided collectively to businesses with a common interest or  
222 purpose. Such incentives include:

223 (I) Technical assistance and training.

224 (II) Business incubators and accelerators.

225 (III) Infrastructure improvements ~~Indirect incentives in~~  
226 ~~the form of grants and loans provided to businesses and~~  
227 ~~community organizations that provide support to businesses or~~  
228 ~~promote business investment or development.~~

229 c. Class three: Business recruitment, retention, or  
230 expansion efforts provided to benefit an individual business or  
231 class of businesses. Such incentives include:

232 (I) Marketing and market research.

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233 (II) Trade missions and trade shows.  
 234 (III) Site selection.  
 235 (IV) Targeted assistance with the permitting and licensing  
 236 process.  
 237 (V) Business plan or project development ~~Fee based or tax~~  
 238 ~~based incentives, including, but not limited to, credits,~~  
 239 ~~refunds, exemptions, and property tax abatement or assessment~~  
 240 ~~reductions.~~  
 241 d. ~~Below-market rate leases or deeds for real property.~~  
 242 2. A municipality shall report its economic development  
 243 incentives in the format specified by the Office of Economic and  
 244 Demographic Research.  
 245 3. The Office of Economic and Demographic Research shall  
 246 compile the economic development incentives provided by each  
 247 municipality in a manner that shows the total of each class of  
 248 economic development incentives provided by each municipality  
 249 and all municipalities. To the extent possible, the office shall  
 250 compare the results of the economic development incentives  
 251 provided by all municipalities to the results of state  
 252 incentives provided in similar classes.  
 253 Section 5. Section 218.80, Florida Statutes, is transferred  
 254 and renumbered as section 218.795, Florida Statutes.  
 255 Section 6. Part VIII of chapter 218, Florida Statutes,  
 256 consisting of sections 218.801, 218.803, 218.805, 218.81,  
 257 218.82, 218.83, 218.84, 218.88, and 218.89, is created to read:  
 258 PART VIII  
 259 LOCAL GOVERNMENT FISCAL TRANSPARENCY ACT  
 260 218.801 Short title.—This part may be cited as the “Local  
 261 Government Fiscal Transparency Act.”

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262 218.803 Purpose.—The purpose of this part is to promote the  
 263 fiscal transparency of local governments when using public funds  
 264 by requiring additional public noticing of proposed local  
 265 government actions that would increase taxes, enact new taxes,  
 266 extend expiring taxes, or issue tax-supported debt and requiring  
 267 voting records of local governing bodies related to such actions  
 268 to be easily and readily accessible by the public.  
 269 218.805 Definitions.—As used in this part, the term:  
 270 (1) “Debt” means bonds, loans, promissory notes, lease-  
 271 purchase agreements, certificates of participation, installment  
 272 sales, leases, or any other financing mechanisms or financial  
 273 arrangements, whether or not a debt for legal purposes, for  
 274 financing or refinancing the acquisition, construction,  
 275 improvement, or purchase of capital outlay projects.  
 276 (2) “Local government” means any county, municipality,  
 277 school district, special district dependent to a county or  
 278 municipality, municipal service taxing unit, or independent  
 279 special district, but does not include special dependent or  
 280 independent districts established to provide hospital services,  
 281 provided such special districts do not levy, assess, and collect  
 282 ad valorem taxes.  
 283 (3) “Tax increase” means:  
 284 (a) For ad valorem taxes, any increase in a local  
 285 government’s millage rate above the rolled-back rate as defined  
 286 in s. 200.065(1).  
 287 (b) For all other taxes, a tax enactment, tax extension, or  
 288 an increase in the tax rate.  
 289 (4) “Tax-supported debt” means debt with a duration of more  
 290 than 5 years secured in whole or in part by state or local tax

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291 levies, whether such security is direct or indirect, explicit or  
 292 implicit, and includes, but is not limited to, debt for which  
 293 annual appropriations pledged for payment are from government  
 294 fund types receiving tax revenues or shared revenues from state  
 295 tax sources. The term does not include debt secured solely by  
 296 revenues generated by the project that is financed with the  
 297 debt.

298 218.81 Voting record access.-

299 (1) Each local government shall post on its website, in a  
 300 manner that is easily accessible to the public, a history of the  
 301 voting record of each action taken by the local governing board  
 302 which addressed a tax increase or new tax-supported debt  
 303 issuance, except debt that was refinanced or refunded and that  
 304 did not extend the term or increase the outstanding principal  
 305 amount of the original debt, as follows:

306 (a) By October 1, 2018, the voting record history from the  
 307 preceding year;

308 (b) By October 1, 2019, the voting record history from the  
 309 preceding 2 years;

310 (c) By October 1, 2020, the voting record history from the  
 311 preceding 3 years; and

312 (d) By October 1, 2021, and thereafter, the voting record  
 313 history required pursuant to this subsection from the preceding  
 314 4 years.

315 (2) The website must provide links to allow users to  
 316 navigate to related sites if supporting details or documentation  
 317 are available.

318 (3) In any public notice of a tax increase or the issuance  
 319 of new tax-supported debt, each local government shall include

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320 with the public notice the website address where the voting  
 321 records can be accessed.

322 218.82 Property tax information and history.-

323 (1) Each county property appraiser, as defined in s.  
 324 192.001, shall maintain a website that includes, in a manner  
 325 easily accessible to the public, links that provide access to:

326 (a) The notice of proposed property taxes and non-ad  
 327 valorem assessments required under s. 200.069 for each parcel of  
 328 property in that county; and

329 (b) A history of the millage rate and the amount of tax  
 330 levied by each taxing authority on each parcel, as follows:

331 1. By October 1, 2018, the history from the 2 preceding  
 332 years;

333 2. By October 1, 2019, the history from the 3 preceding  
 334 years; and

335 3. By October 1, 2020, and thereafter, the history from the  
 336 4 preceding years.

337

338 This subsection does not apply to information that is otherwise  
 339 exempt from public disclosure.

340 (2) Each local government shall post on its website, in a  
 341 manner that is easily accessible to the public, links that  
 342 provide access to a history of each of its millage rates and the  
 343 total annual amount of revenue generated by each of these  
 344 levies, as follows:

345 (a) By October 1, 2018, the history from the 2 preceding  
 346 years;

347 (b) By October 1, 2019, the history from the 3 preceding  
 348 years; and

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349 (c) By October 1, 2020, and thereafter, the history from  
 350 the 4 preceding years.

351 218.83 Expanded public noticing of tax increases and new  
 352 tax-supported debt issuance.-

353 (1) For the purpose of this section, the term "tax  
 354 increase" does not include an ad valorem tax increase.

355 (2) A local government that intends to vote on a proposed  
 356 tax increase or the issuance of new tax-supported debt shall  
 357 advertise a public hearing to solicit public input concerning  
 358 the proposed tax increase or new tax-supported debt issuance.  
 359 This public hearing must occur at least 14 days prior to the  
 360 date that the local governing body meets to take a final vote on  
 361 the tax increase or issuance of new tax-supported debt. Any  
 362 hearing required under this subsection shall be held after 5  
 363 p.m. if scheduled on a day other than Saturday. No hearing shall  
 364 be held on a Sunday. The general public shall be allowed to  
 365 speak and to ask questions relevant to the tax increase or the  
 366 tax-supported debt issuance. The local government shall provide  
 367 public notice as set forth in subsection (4).

368 (3) (a) If, following the public hearing required under  
 369 subsection (2), the local government intends to proceed with a  
 370 vote to approve a tax increase or the new issuance of tax-  
 371 supported debt, the local government shall provide public notice  
 372 in the manner set forth in subsection (4) at least 10 days prior  
 373 to the date of the scheduled public meeting.

374 (b) For a tax increase, the notice shall also include, at a  
 375 minimum:

376 1. A statement prominently posted that the local government  
 377 intends to vote on a proposed new tax enactment, tax extension,

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378 or tax rate increase.

379 2. The time and place of the meeting.

380 3. The amount of the tax increase, including both the rate  
 381 and total amount of annual revenue expected to be generated and  
 382 the expected annual revenue expressed as a percentage of the  
 383 government's general fund revenue.

384 4. A detailed explanation of the intended uses of the levy.

385 5. A statement indicating whether the local government  
 386 expects to use the proceeds to secure debt.

387 (c) For new tax-supported debt issuance, the notice shall  
 388 also include, at a minimum:

389 1. A statement prominently posted that the local government  
 390 intends to vote on a proposed new issuance of tax-supported  
 391 debt.

392 2. The time and place of the meeting.

393 3. A truth in bonding statement in substantially the  
 394 following form:

395 The ...(insert local government name)... is proposing to  
 396 issue \$...(insert principal)... of debt or obligation for the  
 397 purpose of ...(insert purpose).... This debt or obligation is  
 398 expected to be repaid over a period of ...(insert term of  
 399 issue)... years. At a forecasted interest rate of ...(insert  
 400 rate of interest)..., total interest paid over the life of the  
 401 debt or obligation will be \$...(insert sum of interest  
 402 payments).... The source of repayment or security for this  
 403 proposal is the ...(insert the local government name)...  
 404 existing ...(insert fund).... Authorizing this debt or  
 405 obligation will result in \$...(insert the annual amount)... of  
 406 ...(insert local government name)... ...(insert fund)... moneys

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407 not being available to finance the other services of the  
 408 ...(insert local government name)... each year for ...(insert  
 409 the length of the debt or obligation)....  
 410 4. Presentation of the debt affordability ratios calculated  
 411 pursuant to s. 218.84, described in substantially the following  
 412 form:  
 413 The following ratios measure the affordability of  
 414 outstanding and proposed new long-term, tax-supported debt  
 415 issued by ...(insert local government name).... The ratios show  
 416 debt service as a percentage of the revenues available to  
 417 support that debt, including the new debt being proposed  
 418 ...(insert 5 year history and 2 year projection of debt  
 419 affordability ratio)....  
 420 (4) The notice provided by a local government announcing a  
 421 public hearing to take public input as set forth in subsection  
 422 (2) or the public meeting to take a final vote as set forth in  
 423 subsection (3) must meet the following requirements:  
 424 (a) The local government must advertise the notice in a  
 425 newspaper of general circulation in the county or counties where  
 426 the local government exists. A local government may advertise in  
 427 a geographically limited insert of a general circulation  
 428 newspaper if the region encompassed by the insert contains the  
 429 jurisdictional boundaries of the local government. The newspaper  
 430 must be of general interest with readership in the community and  
 431 not one of limited subject matter, pursuant to chapter 50. The  
 432 advertisement must be at least one-quarter page in size of a  
 433 standard size newspaper or a half-page in size of a tabloid size  
 434 newspaper, and the headline in the advertisement must be in a  
 435 type no smaller than 18 point. The advertisement may not be

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436 placed in that portion of the newspaper where legal notices and  
 437 classified advertisements appear. The advertisement must appear  
 438 in a newspaper that is published at least 5 days a week unless  
 439 the only newspaper in the county is published less than 5 days a  
 440 week. If the advertisement appears in a geographically limited  
 441 insert of a general circulation newspaper, the insert must be  
 442 one that is published at least twice a week throughout the local  
 443 government's jurisdiction. In lieu of publishing the notice set  
 444 out in this paragraph, the local government may mail a copy of  
 445 the notice to each elector residing within the jurisdiction of  
 446 the local government; and  
 447 (b) The local government must post on its website in a  
 448 manner that is easily accessible to the public the information  
 449 required under subsections (2) and (3), as applicable.  
 450 (5) This section does not apply to the refinancing or  
 451 refunding of debt that does not extend the term or increase the  
 452 outstanding principal amount of the original debt.  
 453 218.84 Local government debt fiscal responsibility.-  
 454 (1) It is the public policy of this state to encourage  
 455 local governments to exercise prudence in authorizing and  
 456 issuing debt. Before a local government authorizes debt, it must  
 457 consider its ability to meet its total debt service requirements  
 458 in light of other demands on the local government's fiscal  
 459 resources. Each local government shall perform a debt  
 460 affordability analysis as set forth in subsection (2), and the  
 461 governing board shall consider the analysis before approving the  
 462 issuance of new tax-supported debt.  
 463 (2) The debt affordability analysis shall, at a minimum,  
 464 consist of the calculation of the local government's actual debt

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465 affordability ratio for the 5 fiscal years prior to the year the  
 466 debt is expected to be issued and a projection of the ratio for  
 467 at least the first 2 fiscal years in which the new debt is  
 468 expected to be issued. The analysis shall include a comparison  
 469 of the debt affordability ratio with and without the new debt  
 470 issuance.

471 (3) The debt affordability ratio for a given fiscal year  
 472 shall be a ratio:

473 (a) The denominator of which is the total annual revenues  
 474 available to pay debt service on outstanding tax-supported debt  
 475 of the local government; and

476 (b) The numerator of which is the total annual debt service  
 477 for outstanding tax-supported debt of the local government.

478 218.88 Audits.—Audits of financial statements of local  
 479 governments which are performed by a certified public accountant  
 480 pursuant to s. 218.39 and submitted to the Auditor General must  
 481 be accompanied by an affidavit executed by the chair of the  
 482 governing board of the local government stating that the local  
 483 government has complied with this part. The affidavit must be  
 484 filed with the Auditor General, or in the event the local  
 485 government has not complied with this part, the affidavit shall  
 486 instead include a description of the noncompliance and  
 487 corrective action taken by the local government to correct the  
 488 noncompliance and to prevent such noncompliance in the future.

489 218.89 Local government websites.—If a local government is  
 490 required under this part to post information on its website, but  
 491 does not operate an official website, the local government must  
 492 provide the county or counties within which the local government  
 493 is located the information required to be posted, and each such

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494 county shall post the required information on its website.

495 Section 7. Paragraph (e) of subsection (1) of section  
 496 218.32, Florida Statutes, is amended to read:

497 218.32 Annual financial reports; local governmental  
 498 entities.—

499 (1)

500 (e) Each local governmental entity that is not required to  
 501 provide for an audit under s. 218.39 must submit the annual  
 502 financial report to the department no later than 9 months after  
 503 the end of the fiscal year. The department shall consult with  
 504 the Auditor General in the development of the format of annual  
 505 financial reports submitted pursuant to this paragraph. The  
 506 format must include balance sheet information used by the  
 507 Auditor General pursuant to s. 11.45(7)(g) ~~s. 11.45(7)(f)~~. The  
 508 department must forward the financial information contained  
 509 within the annual financial reports to the Auditor General in  
 510 electronic form. This paragraph does not apply to housing  
 511 authorities created under chapter 421.

512 Section 8. The Legislature finds that this act fulfills an  
 513 important state interest.

514 Section 9. This act shall take effect July 1, 2018.



# CourtSmart Tag Report

Room: SB 301

Case No.:

Type:

Caption: Senate Community Affairs Committee Judge:

Started: 1/30/2018 10:11:19 AM

Ends: 1/30/2018 11:59:00 AM

Length: 01:47:42

10:11:20 AM Call to Order  
10:11:32 AM Roll Call  
10:11:34 AM Quorum is Present  
10:12:28 AM Tab 3 SB 1328  
10:12:36 AM Senator Perry Explains SB 1328  
10:13:03 AM Question from Senator Brandes  
10:13:09 AM Senator Perry Responds  
10:13:24 AM Douglas Buck rep. FL Home Builders Waives in Support of SB 1328  
10:13:43 AM Thomas Hawkins rep. 1000 Friends of Florida Speaking Against SB 1328  
10:15:09 AM Trey Price rep. Florida Housing Finance Corp. Speaks in Support  
10:15:39 AM Senator Rodriguez in Debate  
10:16:36 AM Chair Lee Speaks about Impact Fees  
10:17:48 AM Senator Perry Closes on SB 1328  
10:18:38 AM Roll Call on SB 1328  
10:18:50 AM SB 1328 is Reported Favorably  
10:19:03 AM Tab 4 SB 1426  
10:19:12 AM Senator Simmons Takes Over Meeting as Chair Lee Explains SB 1426  
10:19:20 AM Senator Lee Explains SB 1426  
10:22:44 AM Laura Youman rep. Florida Assoc. of Counties Speaks Against SB 1426  
10:23:27 AM Senator Lee Closes on SB 1426  
10:24:00 AM Roll Call on SB 1426  
10:24:13 AM SB 1426 is Reported Favorably  
10:24:40 AM Senator Campbell Speaks  
10:25:30 AM Tab 1 SB 1400  
10:26:54 AM Senator Steube Explains SB 1400  
10:28:15 AM Senator Simmons Explains SB 1640  
10:35:59 AM Motion for PCS to be heard  
10:36:07 AM PCS explained by Chair Lee  
10:38:33 AM Amendment Barcode 677376 Explained by Senator Steube  
10:41:09 AM Senator Rodrigues Explains Amendment to Amendment Barcode 531354  
10:42:02 AM Question from Senator Bean  
10:42:14 AM Senator Steube Responds  
10:42:23 AM Amendment Barcode 531354 Adopted  
10:42:39 AM Handwritten Amendment to be Introduced by Chair Lee  
10:43:02 AM Chair turned over to Senator Bean  
10:43:33 AM Handwritten Amendment Explained by Senator Lee  
10:44:54 AM Senator Steube Recognized to Discuss Proposed Handwritten Amendment  
10:44:57 AM Senator Steube Responds  
10:45:35 AM Back and Forth Between Senators Steube and Bean  
10:45:59 AM No Questions Further Questions  
10:46:21 AM Senator Lee's Handwritten Amendment Adopted  
10:46:40 AM Back on Amendment Barcode 531354 as Amended  
10:47:14 AM Amendment Barcode 677376 tp'd  
10:47:22 AM Senator Simmons Explains Amendment Barcode 767560  
10:52:19 AM Question from Chair Lee  
10:53:55 AM Senator Simmons Responds  
10:56:13 AM Follow-up Question from Chair Lee  
10:57:17 AM Senator Simmons Responds  
10:58:15 AM Question from Chair Lee  
10:58:45 AM Senator Simmons Responds  
11:00:23 AM Comment from Senator Steube  
11:01:11 AM Senator Simmons Responds

11:02:18 AM Chair Lee Comments  
11:03:16 AM Senator Simmons Responds  
11:04:32 AM Question from Chair Lee  
11:04:37 AM Senator Simmons Responds  
11:04:50 AM Question from Senator Perry  
11:05:09 AM Senator Simmons Responds  
11:05:54 AM Senator Perry Responds  
11:06:51 AM Comment from Senator Steube  
11:07:36 AM Senator Simmons Responds  
11:08:29 AM Back to Amendment Barcode 677376 as Amended  
11:08:41 AM Lori Killinger rep. FL Vacation Rental Management Assoc. Speaks in Support of Amendment  
11:10:34 AM Question from Chair Lee for Lori Killinger  
11:10:37 AM Lori Killinger Responds  
11:10:57 AM Jennifer Green rep. Expedia and HomeAway Speaks in Support of Amendment Barcode 677376  
11:12:30 AM Andy Gonzalez rep. Florida Realtors Waives in Support  
11:12:43 AM Jess McCarty rep. Miami-Dade County Speaks Against Amendment Barcode 677376  
11:13:48 AM Question from Senator Bean for Jess McCarty  
11:14:09 AM Jess McCarty Responds  
11:15:03 AM Cari Roth rep. City of Holmes Beach Speaks Against Amendment Barcode 677376  
11:19:23 AM Question from Chair Lee for Cari Roth  
11:19:32 AM Cari Roth Responds  
11:19:57 AM Back and Forth Between Chair Lee and Lori Roth  
11:20:43 AM Gary Bruhn rep. FL League of Cities and FL League of Mayors Speaks Against Amendment Barcode 677376  
11:21:35 AM Casey Cook rep. FL League of Cities Speaking Against Amendment Barcode 677376  
11:24:00 AM Eric Poole rep. FL Assoc. of Counties Speaks Against Amendment Barcode 677376  
11:26:41 AM Nga Nguyen Speaks in Support of Amendment Barcode 677376  
11:26:54 AM Roslyn Wilkes rep. Air BnB Waives in Support of Amendment Barcode 677376  
11:27:07 AM Armando Ibarra rep. Greater Miami and Beaches Hotel Assoc. Speaks Against Am. Barcode 677376  
11:28:58 AM Question from Chair Lee for Armando Ibarra  
11:29:06 AM Response from Armando Ibarra  
11:29:36 AM Back and Forth Between Chair Lee and Armando Ibarra  
11:30:27 AM Pat Brueckheimer Waives in Support of Amendment Barcode 677376  
11:30:36 AM Kelly Kearney Waives in Support of Amendment Barcode 677376  
11:31:30 AM Hemant "Henry" Patel rep. Asian American Hotel Owners Assoc. Speaking  
11:32:21 AM Handwritten Amendment to Amendment Barcode 677376 by Senator Rodriguez  
11:32:31 AM Handwritten Amendment Explained by Senator Rodriguez  
11:33:15 AM Question from Senator Brandes  
11:33:31 AM Senator Rodriguez Responds  
11:33:53 AM Follow-up Question from Senator Brandes  
11:34:04 AM Senator Rodriguez Responds  
11:34:19 AM Question from Senator Campbell  
11:34:37 AM Senator Rodriguez Responds  
11:35:37 AM Follow-up Question from Senator Campbell  
11:36:00 AM Senator Rodriguez Responds  
11:36:33 AM Chair Lee Responds  
11:37:53 AM Senator Brandes Comments  
11:38:30 AM Handwritten Amendment to Amendment by Senator Rodriguez Adopted  
11:38:39 AM Returning to Steube's Amendment as Amended  
11:39:15 AM Senator Simmons in Debate  
11:40:18 AM Chair Lee Responds  
11:40:26 AM Senator Simmons in Debate  
11:42:39 AM Senator Campbell in Debate  
11:47:03 AM Chair Lee Responds  
11:47:12 AM Senator Brandes Comment  
11:47:25 AM Brandes Motion to Vote on Amendment 677376 and PCS  
11:47:33 AM Chair Lee Accepts Motion  
11:47:39 AM Chair Lee Responds to Senator Campbell  
11:50:10 AM Senator Bean Speaks  
11:51:11 AM Steube Waives Close on Amendment Barcode 677376  
11:51:22 AM Roll Call on Amendment Barcode 677376  
11:51:40 AM Amendment Barcode 677376 is Adopted

**11:52:31 AM** Senator Simmons Amendment is Withdrawn  
**11:53:15 AM** Back and Forth Chair Lee and Senator Campbell  
**11:54:03 AM** Hermant Patel rep. Asian American Hotel Owners Assoc. Speaks  
**11:57:57 AM** Roll Call on PCS  
**11:58:25 AM** PCS Reported Favorably  
**11:58:34 AM** Motion to show Sen. Bean voting in affirmative for SB's 1328 and 1426  
**11:58:37 AM** Meeting Adjourned