

1 A bill to be entitled
 2 An act relating to public lodging establishments;
 3 amending s. 509.242, F.S.; deleting vacation rentals
 4 and transient apartments from classification and
 5 regulation as public lodging establishments; amending
 6 ss. 509.013, 509.221, 509.241, and 509.251, F.S.;
 7 conforming provisions; providing an effective date.
 8

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

10
 11 Section 1. Subsection (1) of section 509.242, Florida
 12 Statutes, is amended to read:

13 509.242 Public lodging establishments; classifications.—

14 (1) A public lodging establishment shall be classified as
 15 a hotel, motel, nontransient apartment, ~~transient apartment~~, bed
 16 and breakfast inn, or timeshare project, ~~or vacation rental~~ if
 17 the establishment satisfies the following criteria:

18 (a) Hotel.—A hotel is any public lodging establishment
 19 containing sleeping room accommodations for 25 or more guests
 20 and providing the services generally provided by a hotel and
 21 recognized as a hotel in the community in which it is situated
 22 or by the industry.

23 (b) Motel.—A motel is any public lodging establishment
 24 which offers rental units with an exit to the outside of each
 25 rental unit, daily or weekly rates, offstreet parking for each
 26 unit, a central office on the property with specified hours of

HB 4009

2015

27 operation, a bathroom or connecting bathroom for each rental
28 unit, and at least six rental units, and which is recognized as
29 a motel in the community in which it is situated or by the
30 industry.

31 ~~(c) Vacation rental. A vacation rental is any unit or~~
32 ~~group of units in a condominium or cooperative or any~~
33 ~~individually or collectively owned single-family, two-family,~~
34 ~~three-family, or four-family house or dwelling unit that is also~~
35 ~~a transient public lodging establishment but that is not a~~
36 ~~timeshare project.~~

37 (c)~~(d)~~ Nontransient apartment.—A nontransient apartment is
38 a building or complex of buildings in which 75 percent or more
39 of the units are available for rent to nontransient tenants.

40 ~~(e) Transient apartment. A transient apartment is a~~
41 ~~building or complex of buildings in which more than 25 percent~~
42 ~~of the units are advertised or held out to the public as~~
43 ~~available for transient occupancy.~~

44 (d)~~(f)~~ Bed and breakfast inn.—A bed and breakfast inn is a
45 family home structure, with no more than 15 sleeping rooms,
46 which has been modified to serve as a transient public lodging
47 establishment, which provides the accommodation and meal
48 services generally offered by a bed and breakfast inn, and which
49 is recognized as a bed and breakfast inn in the community in
50 which it is situated or by the hospitality industry.

51 (e)~~(g)~~ Timeshare project.—A timeshare project is a
52 timeshare property, as defined in chapter 721, that is located

53 | in this state and that is also a transient public lodging
54 | establishment.

55 | Section 2. Paragraph (b) of subsection (4) of section
56 | 509.013, Florida Statutes, is amended to read:

57 | 509.013 Definitions.—As used in this chapter, the term:
58 | (4)

59 | (b) The following are excluded from the definitions in
60 | paragraph (a):

61 | 1. Any dormitory or other living or sleeping facility
62 | maintained by a public or private school, college, or university
63 | for the use of students, faculty, or visitors.

64 | 2. Any facility certified or licensed and regulated by the
65 | Agency for Health Care Administration or the Department of
66 | Children and Families or other similar place regulated under s.
67 | 381.0072.

68 | 3. Any place renting four rental units or less, unless the
69 | rental units are advertised or held out to the public to be
70 | places that are regularly rented to transients.

71 | 4. Any unit or group of units in a condominium,
72 | cooperative, or timeshare plan and any individually or
73 | collectively owned one-family, two-family, three-family, or
74 | four-family dwelling house or dwelling unit that is rented for
75 | periods of at least 30 days or 1 calendar month, whichever is
76 | less, and that is not advertised or held out to the public as a
77 | place regularly rented for periods of less than 1 calendar
78 | month, provided that no more than four rental units within a

79 single complex of buildings are available for rent.

80 5. Any migrant labor camp or residential migrant housing
81 permitted by the Department of Health under ss. 381.008-
82 381.00895.

83 6. Any establishment inspected by the Department of Health
84 and regulated by chapter 513.

85 7. Any nonprofit organization that operates a facility
86 providing housing only to patients, patients' families, and
87 patients' caregivers and not to the general public.

88 8. Any apartment building inspected by the United States
89 Department of Housing and Urban Development or other entity
90 acting on the department's behalf that is designated primarily
91 as housing for persons at least 62 years of age. The division
92 may require the operator of the apartment building to attest in
93 writing that such building meets the criteria provided in this
94 subparagraph. The division may adopt rules to implement this
95 requirement.

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

100 Section 3. Subsection (9) of section 509.221, Florida
101 Statutes, is amended to read:

102 509.221 Sanitary regulations.—

103 (9) Subsections (2), (5), and (6) do not apply to any
104 facility or unit classified as a ~~vacation rental~~, nontransient

105 apartment, or timeshare project as described in s. 509.242(1)(c)
 106 and (e) 509.242(1)(e), (d), and (g).

107 Section 4. Subsection (2) of section 509.241, Florida
 108 Statutes, is amended to read:

109 509.241 Licenses required; exceptions.—

110 (2) APPLICATION FOR LICENSE.—Each person who plans to open
 111 a public lodging establishment or a public food service
 112 establishment shall apply for and receive a license from the
 113 division prior to the commencement of operation. A condominium
 114 association, as defined in s. 718.103, which does not own any
 115 units classified as ~~vacation rentals or~~ timeshare projects under
 116 s. 509.242(1)(e) ~~509.242(1)(e) or (g)~~ is not required to apply
 117 for or receive a public lodging establishment license.

118 Section 5. Subsection (1) of section 509.251, Florida
 119 Statutes, is amended to read:

120 509.251 License fees.—

121 (1) The division shall adopt, by rule, a schedule of fees
 122 to be paid by each public lodging establishment as a
 123 prerequisite to issuance or renewal of a license. Such fees
 124 shall be based on the number of rental units in the
 125 establishment. The aggregate fee per establishment charged any
 126 public lodging establishment shall not exceed \$1,000; however,
 127 the fees described in paragraphs (a) and (b) may not be included
 128 as part of the aggregate fee subject to this cap. ~~Vacation~~
 129 ~~rental units or~~ Timeshare projects within separate buildings or
 130 at separate locations but managed by one licensed agent may be

131 combined in a single license application, and the division shall
132 charge a license fee as if all units in the application are in a
133 single licensed establishment. The fee schedule shall require an
134 establishment which applies for an initial license to pay the
135 full license fee if application is made during the annual
136 renewal period or more than 6 months prior to the next such
137 renewal period and one-half of the fee if application is made 6
138 months or less prior to such period. The fee schedule shall
139 include fees collected for the purpose of funding the
140 Hospitality Education Program, pursuant to s. 509.302, which are
141 payable in full for each application regardless of when the
142 application is submitted.

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

148 (b) A license renewal filed with the division within 30
149 days after the expiration date shall be accompanied by a
150 delinquent fee as prescribed by rule, not to exceed \$50, in
151 addition to the renewal fee and any other fees required by law.
152 A license renewal filed with the division more than 30 but not
153 more than 60 days after the expiration date shall be accompanied
154 by a delinquent fee as prescribed by rule, not to exceed \$100,
155 in addition to the renewal fee and any other fees required by
156 law.

HB 4009

2015

157

Section 6. This act shall take effect July 1, 2015.