

HB 1287

2016

1 A bill to be entitled

2 An act relating to vacation rental units; amending s.
3 509.241, F.S.; providing criteria for licensure as a
4 vacation rental unit; requiring the Division of Hotels
5 and Restaurants of the Department of Business and
6 Professional Regulation to suspend a license of a
7 vacation rental unit for failure to meet certain
8 criteria by a specified date; specifying that vacation
9 rental units operating without a license or with a
10 license expired for a specified period are subject to
11 disciplinary action pursuant to rules establishing
12 certain disciplinary guidelines; prohibiting group
13 licensing of such units; requiring a vacation rental
14 unit to display its license number on all property
15 rental advertising; providing that it is an unlicensed
16 practice to advertise without a license; providing an
17 effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Section 509.241, Florida Statutes, is amended
22 to read:

23 509.241 Licenses required; exceptions.—

24 (1) LICENSES; ANNUAL RENEWALS.—Each public lodging
25 establishment and public food service establishment shall obtain
26 a license from the division. Such license may not be transferred

HB 1287

2016

27 | from one place or individual to another. It shall be a
28 | misdemeanor of the second degree, punishable as provided in s.
29 | 775.082 or s. 775.083, for such an establishment to operate
30 | without a license. Local law enforcement shall provide immediate
31 | assistance in pursuing an illegally operating establishment. The
32 | division may refuse a license, or a renewal thereof, to any
33 | establishment that is not constructed and maintained in
34 | accordance with law and with the rules of the division. The
35 | division may refuse to issue a license, or a renewal thereof, to
36 | any establishment an operator of which, within the preceding 5
37 | years, has been adjudicated guilty of, or has forfeited a bond
38 | when charged with, any crime reflecting on professional
39 | character, including soliciting for prostitution, pandering,
40 | letting premises for prostitution, keeping a disorderly place,
41 | or illegally dealing in controlled substances as defined in
42 | chapter 893, whether in this state or in any other jurisdiction
43 | within the United States, or has had a license denied, revoked,
44 | or suspended pursuant to s. 429.14. The division shall suspend
45 | the license of a vacation rental unit that does not meet all of
46 | the criteria in subsection (2) by October 1, 2016. A vacation
47 | rental unit operating without a license or with a license
48 | expired for more than 60 days is subject to disciplinary action
49 | pursuant to the disciplinary guidelines applicable to public
50 | lodging establishments adopted by rule under s. 455.2273 or s.
51 | 509.032. Licenses shall be renewed annually, and the division
52 | shall adopt a rule establishing a staggered schedule for license

53 renewals. If any license expires while administrative charges
54 are pending against the license, the proceedings against the
55 license shall continue to conclusion as if the license were
56 still in effect.

57 (2) APPLICATION FOR LICENSE.—

58 (a) Each person who plans to open a public lodging
59 establishment or a public food service establishment shall apply
60 for and receive a license from the division before beginning
61 ~~prior to the commencement of~~ operation. A condominium
62 association, as defined in s. 718.103, which does not own any
63 units classified as vacation rentals or timeshare projects under
64 s. 509.242(1)(c) or (g) is not required to apply for or receive
65 a public lodging establishment license.

66 (b)1. Each individual vacation rental unit must obtain a
67 license from the division. A group license may not be issued for
68 vacation rental units. An applicant for a vacation rental unit
69 license must provide all of the following to the division:

70 a. Evidence confirming registration with the county
71 collector of the tourist development tax.

72 b. Certification of inspection by the local firesafety
73 authority confirming that the unit complies with Rule 69A-43,
74 F.A.C., as adopted by the State Fire Marshal.

75 c. Evidence confirming registration with the Department of
76 Revenue to collect and remit state sales tax.

77 d. Evidence confirming receipt of all applicable local
78 licenses. If a state vacation rental unit license is required to

HB 1287

2016

79 obtain a local license, a provisional license may be granted to
80 the applicant. The provisional license expires if the required
81 local license is not obtained within 60 days after issuance of
82 the provisional license.

83 2. A vacation rental unit licenseholder must have a valid
84 phone number and e-mail address on file with the division.

85 (3) DISPLAY OF LICENSE.—Any license issued by the division
86 shall be conspicuously displayed in the office or lobby of the
87 licensed establishment. A public food service establishment that
88 offers establishments which offer catering services shall
89 display its ~~their~~ license number on all advertising for catering
90 services. A vacation rental unit must display its license number
91 on all property rental advertising. It is an unlicensed
92 practice, pursuant to s. 455.228, to advertise a vacation rental
93 unit without a license.

94 Section 2. This act shall take effect July 1, 2016.