

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>      </u>	

---

1 Committee/Subcommittee hearing bill: Careers & Competition  
 2 Subcommittee

3 Representative Beshears offered the following:

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16

**Amendment**

Between lines 11 and 12, insert:

Section 1. Paragraphs (b) and (c) of subsection (3) of section 212.18, Florida Statutes, are amended to read:

212.18 Administration of law; registration of dealers; rules.

(3)

(b) 1. ~~The department,~~ Upon receipt of such application, the department shall grant to the applicant a separate certificate of registration for each place of business, which may be canceled by the department or its designated assistants for any failure by the certificateholder to comply with this chapter.

## Amendment No. 1

17 The certificate is not assignable and is valid only for the  
18 person, firm, copartnership, or corporation to which it is  
19 issued. The certificate must be placed in a conspicuous place in  
20 the business or businesses for which it is issued and must be  
21 displayed at all times. Except as provided in this subsection, a  
22 person may not engage in business as a dealer or in leasing,  
23 renting, ~~or~~ letting, ~~or~~ or granting a license to use in living  
24 quarters or sleeping or housekeeping accommodations in hotels,  
25 apartment houses, roominghouses, tourist or trailer camps, or  
26 real property, or sell or receive anything of value by way of  
27 admissions, without a valid certificate. A person may not  
28 receive a license from any authority within the state to engage  
29 in any such business without a valid certificate. A person may  
30 not engage in the business of selling or leasing tangible  
31 personal property or services as a dealer; engage in leasing,  
32 renting, ~~or~~ letting, ~~or~~ or granting a license to use in living  
33 quarters or sleeping or housekeeping accommodations in hotels,  
34 apartment houses, roominghouses, or tourist or trailer camps  
35 that are taxable under this chapter, or real property; or engage  
36 in the business of selling or receiving anything of value by way  
37 of admissions without a valid certificate.

38 2. A person engaged in leasing, renting, letting, or  
39 granting a license to use a transient public lodging  
40 establishment, as defined in s. 509.013, must display the

Amendment No. 1

41 person's valid certificate of registration number in any rental  
42 listing or advertisement for such property.

43 (c)1.a. A person who engages in acts requiring a  
44 certificate of registration under this subsection and who fails  
45 or refuses to register commits a misdemeanor of the first  
46 degree, punishable as provided in s. 775.082 or s. 775.083. Such  
47 acts are subject to injunctive proceedings as provided by law. A  
48 person who engages in acts requiring a certificate of  
49 registration and who fails or refuses to register is also  
50 subject to a \$100 initial registration fee in lieu of the \$5  
51 registration fee required by paragraph (a). However, the  
52 department may waive the increase in the registration fee if it  
53 finds that the failure to register was due to reasonable cause  
54 and not to willful negligence, willful neglect, or fraud.

55 b. A person who fails to display a valid certificate of  
56 registration number as required under subparagraph (b)2. is  
57 subject to a penalty of \$50 per day until the person is in  
58 compliance. The penalty may be collected by a county that  
59 administers a tax imposed under ch. 125 or ch. 212.

60 c. A person who fails to display a valid certificate of  
61 registration number as required under subparagraph (b)2., and  
62 who has previously been found to be in violation of that  
63 subparagraph, is subject to a penalty of \$100 per day until the  
64 person is in compliance. The penalty may be collected by a  
65 county that administers a tax imposed under ch. 125 or ch. 212.

092221 - h0425-line 11.docx

Published On: 3/27/2017 8:43:40 PM

Amendment No. 1

66 2.a. A person who willfully fails to register after the  
67 department provides notice of the duty to register as a dealer  
68 commits a felony of the third degree, punishable as provided in  
69 s. 775.082, s. 775.083, or s. 775.084.

70 b. The department shall provide written notice of the duty  
71 to register to the person by personal service or by sending  
72 notice by registered mail to the person's last known address.  
73 The department may provide written notice by both methods  
74 described in this sub-subparagraph.

75 Section 2. Subsections (4), (11), (12), and (15) of  
76 section 509.013, Florida Statutes, are amended to read:

77 509.013 Definitions.-- As used in this chapter, the term:

78 (4) (a) "Public lodging establishment" includes a transient  
79 public lodging establishment as defined in subparagraph 1. and a  
80 nontransient public lodging establishment as defined in  
81 subparagraph 2.

82 1. "Transient public lodging establishment" means the whole  
83 or any part of a ~~any~~ unit, group of units, dwelling, building,  
84 or group of buildings within a single complex of buildings that  
85 ~~which~~ is rented to guests more than three times in a calendar  
86 year for periods of less than 30 days or 1 calendar month,  
87 whichever is less, or that ~~which~~ is advertised or held out to  
88 the public as a place regularly rented to guests.

89 2. "Nontransient public lodging establishment" means the  
90 whole or any part of a ~~any~~ unit, group of units, dwelling,

Amendment No. 1

91 building, or group of buildings within a single complex of  
92 buildings that ~~which~~ is rented to guests for periods of at least  
93 30 days or 1 calendar month, whichever is less, or that ~~which~~ is  
94 advertised or held out to the public as a place regularly rented  
95 to guests for periods of at least 30 days or 1 calendar month.  
96

97 License classifications of public lodging establishments,  
98 and the definitions therefor, are set out in s. 509.242. For the  
99 purpose of licensure, the term does not include condominium  
100 common elements as defined in s. 718.103.

101 (b) The following are excluded from the definitions in  
102 paragraph (a):

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

106 2. Any facility certified or licensed and regulated by the  
107 Agency for Health Care Administration or the Department of  
108 Children and Families or other similar place regulated under s.  
109 381.0072.

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

113 4. Any unit or group of units in a condominium,  
114 cooperative, or timeshare plan and any individually or  
115 collectively owned one-family, two-family, three-family, or

Amendment No. 1

116 four-family dwelling house or dwelling unit that is rented for  
117 periods of at least 30 days or 1 calendar month, whichever is  
118 less, and that is not advertised or held out to the public as a  
119 place regularly rented for periods of less than 1 calendar  
120 month, provided that no more than four rental units within a  
121 single complex of buildings are available for rent.

122 5. Any migrant labor camp or residential migrant housing  
123 permitted by the Department of Health under ss. 381.008-  
124 381.00895.

125 6. Any establishment inspected by the Department of Health  
126 and regulated by chapter 513.

127 7. Any nonprofit organization that operates a facility  
128 providing housing only to patients, patients' families, and  
129 patients' caregivers and not to the general public.

130 8. Any apartment building inspected by the United States  
131 Department of Housing and Urban Development or other entity  
132 acting on the department's behalf that is designated primarily  
133 as housing for persons at least 62 years of age. The division  
134 may require the operator of the apartment building to attest in  
135 writing that such building meets the criteria provided in this  
136 subparagraph. The division may adopt rules to implement this  
137 requirement.

138 9. Any roominghouse, boardinghouse, or other living or  
139 sleeping facility that may not be classified as a hotel, motel,

## Amendment No. 1

140 timeshare project, vacation rental, nontransient apartment, bed  
141 and breakfast inn, or transient apartment under s. 509.242.

142 (11) "Transient establishment" means any public lodging  
143 establishment that is rented or leased to guests by an operator  
144 whose intention is that the occupied unit or portion thereof  
145 will not be the sole residence of the guest ~~such guests'~~  
146 occupancy will be temporary.

147 (12) "Transient occupancy" means occupancy when it is the  
148 intention of the parties that the occupied unit or portion  
149 thereof will not serve as the guest's sole residence, as  
150 established in the written rental agreement ~~occupancy will be~~  
151 ~~temporary.~~ If the written rental agreement is silent on this  
152 point or no such agreement exists, there is a rebuttable  
153 presumption that, when the occupied unit or portion thereof  
154 dwelling unit occupied is not the sole residence of the guest,  
155 the occupancy is transient.

156 (15) "Nontransient occupancy" means occupancy when it is  
157 the intention of the parties that the occupied unit or portion  
158 thereof will serve as the sole residence of the guest, as  
159 established in the written rental agreement ~~occupancy will not~~  
160 ~~be temporary.~~ If the written rental agreement is silent on this  
161 point or no such agreement exists, there is a rebuttable  
162 presumption that, when the occupied unit or portion thereof  
163 ~~dwelling unit occupied~~ is the sole residence of the guest, the  
164 occupancy is nontransient.

## Amendment No. 1

165 Section 3. Subsection (3) of section 509.241, Florida  
166 Statutes, is amended to read:

167 509.241 Licenses required; exceptions.—

168 (3) DISPLAY OF LICENSE.—Any license issued by the division  
169 shall be conspicuously displayed in the office or lobby of the  
170 licensed establishment. Public food service establishments that  
171 which offer catering services shall display their license number  
172 on all advertising for catering services. A transient public  
173 lodging establishment shall display its license number in all  
174 rental listings or advertisements, and, if the transient public  
175 lodging establishment is offering for rent the whole or any part  
176 of a particular unit or dwelling through the rental listing or  
177 advertisement, it shall also display the physical address of the  
178 property, including any unit designation.

179 Section 4. Paragraph (c) of subsection (1) of section  
180 509.242, Florida Statutes, is amended to read:

181 509.242 Public lodging establishments; classifications.—

182 (1) A public lodging establishment shall be classified as a  
183 hotel, motel, nontransient apartment, transient apartment, bed  
184 and breakfast inn, timeshare project, or vacation rental if the  
185 establishment satisfies the following criteria:

186 (c) Vacation rental.—A vacation rental is the whole or any  
187 part of a ~~any~~ unit or group of units in a condominium or  
188 cooperative or in an ~~any~~ individually or collectively owned  
189 single-family, two-family, three-family, or four-family house or



Amendment No. 1

190 dwelling unit that is also a transient public lodging  
191 establishment but that is not a timeshare project.

192 Section 5. Section 509.\_\_\_\_, Florida Statutes, is created  
193 to read:

194 509. Hosting platforms for transient public lodging  
195 establishments.--

196 (1) As used in this section, "hosting platform" means a  
197 person who advertises the rental of transient public lodging  
198 establishments located in this state and who receives  
199 compensation in connection with facilitating a guest's  
200 reservation or with collecting for such reservation or rental,  
201 through any online-enabled application, software, website, or  
202 system.

203 (2) The operator of a transient public lodging  
204 establishment located in this state may not advertise or list  
205 its rental properties with a hosting platform unless the hosting  
206 platform is registered with the division pursuant to this  
207 section.

208 (3) A hosting platform may not facilitate a guest's  
209 reservation or process payment for rental of a public lodging  
210 establishment that is not registered with the division as  
211 required by section 509.241

212 (4) A person may not operate as a hosting platform for  
213 transient public lodging establishments located in this state  
214 unless registered with the division pursuant to this section.

092221 - h0425-line 11.docx

Published On: 3/27/2017 8:43:40 PM

## Amendment No. 1

215 The division will issue a registration to each person who meets  
216 the requirements of this section and who pays the required  
217 registration fee, to be deposited into the Hotel and Restaurant  
218 Trust Fund. The division shall adopt, by rule, a schedule of  
219 fees to be paid by each hosting platform as a prerequisite to  
220 issuance or renewal of a registration. Such fees shall be based  
221 upon the number of transient public lodging establishments  
222 served by the hosting platform. The aggregate annual  
223 registration fee per hosting platform may not exceed \$1,000.

224 (5) A hosting platform must designate and maintain on file  
225 with the division an agent for service of process in this state.  
226 If the registered agent cannot, with reasonable diligence, be  
227 located, or if the hosting platform fails to designate or  
228 maintain a registered agent in this state, the director of the  
229 division will be deemed an agent of the hosting platform for  
230 purposes of accepting service of any process, notice, or demand.

231 (6) A hosting platform may collect and remit state and  
232 local taxes on behalf of the operators of the public lodging  
233 establishments that it serves.

234 (7) A hosting platform must maintain records, in accordance  
235 with rules adopted by the division, listing each transient  
236 public lodging establishment that it serves, the name of the  
237 operator, the transient public lodging establishment's license  
238 number and physical address, including any unit designation, and  
239 the applicable certificate of registration number under s.

Amendment No. 1

240 212.18. For each transient public lodging establishment, these  
241 records must also detail each period of rental reserved through  
242 the hosting platform and the itemized amounts collected from the  
243 guest by the hosting platform for the rental, taxes, and all  
244 other charges. These records must be maintained by the hosting  
245 platform for a period of three years and must be made available  
246 to the division upon request in an electronic format, in  
247 accordance with rules adopted by the division. The division  
248 shall periodically audit such records to enforce compliance with  
249 this chapter. The division may share such records with the  
250 Department of Revenue and any county that administers a tax  
251 imposed under ch. 125 or ch. 212 for purposes of enforcing  
252 compliance with those chapters.

253 (8) A hosting platform that has operated or is operating in  
254 violation of this section or the rules of the division may be  
255 subject by the division to fines not to exceed \$1,000 per  
256 offense and to suspension, revocation or refusal of a  
257 registration issued pursuant to this section.

258 Section 6. This act shall take effect October 1, 2017.  
259  
260