

By the Committee on Community Affairs; and Senators Steube and Simmons

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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 certain regulation and control of vacation rentals to
8 the state; specifying authority of the Division of
9 Hotels and Restaurants over regulation of vacation
10 rentals; requiring the division to adopt rules;
11 specifying applicability of the preemption; creating
12 s. 509.604, F.S.; preempting licensing of vacation
13 rentals to the state; requiring vacation rentals to
14 obtain a license; specifying that individuals cannot
15 transfer licenses; specifying a penalty for operating
16 without a license; requiring local law enforcement to
17 assist with enforcement; specifying that the division
18 may refuse to issue or renew a license under certain
19 circumstances; specifying that licenses must be
20 renewed annually and that the division must adopt
21 rules for staggered renewals; specifying the manner in
22 which administrative proceedings proceed upon the
23 expiration of a license; specifying that persons
24 intending to use a property as a vacation rental apply
25 for and receive a license before use; requiring
26 applications for a license to include the operator's
27 emergency contact phone number; requiring the division
28 to issue a temporary license upon receipt of an
29 application; requiring such licenses to be displayed

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30 in a vacation rental; creating s. 509.605, F.S.;

31 requiring the division to adopt rules regarding

32 certain license and delinquent fees; specifying the

33 maximum number of units under one license; specifying

34 requirements regarding such fees; creating s.

35 509.6051, F.S.; specifying maximum occupancy for

36 vacation rentals; creating s. 509.606, F.S.; providing

37 penalties for violations; specifying the circumstances

38 that constitute a separate offense of a critical law

39 or rule; specifying circumstances under which a

40 closed-for-operation sign must be posted; specifying

41 where administrative fines must be paid and credited

42 to; specifying the maximum amount of time a vacation

43 rental license may be suspended; specifying certain

44 circumstances where the division may fine, suspend, or

45 revoke the license of a vacation rental; specifying

46 that persons are not entitled to a license when

47 administrative proceedings have been or will be

48 brought against a licensee; providing enforcement for

49 noncompliance with final orders or other

50 administrative actions; authorizing the division to

51 refuse the issuance or renewal of a license until all

52 fines have been paid; creating s. 509.607, F.S.;

53 specifying that vacation rentals are to be treated as

54 transient rentals regarding certain landlord and

55 tenant provisions; exempting persons renting or

56 advertising for rent from certain real estate

57 regulations; creating s. 509.608, F.S.; preempting

58 inspection of vacation rentals to the state;

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59 specifying that the division is solely responsible for
60 inspections and quality assurance; specifying that the
61 division has a right of entry and access for
62 performing inspections; prohibiting the division from
63 establishing certain rules; specifying that vacation
64 rentals must be made available for inspection upon
65 request; specifying procedures for vulnerable adults
66 appearing to be victims of neglect and, in the case of
67 buildings without automatic sprinkler systems, persons
68 who may not be able to self-preserve in an emergency;
69 requiring the division to inspect vacation rentals
70 when necessary to respond to emergencies and
71 epidemiological conditions; amending s. 509.609, F.S.;
72 specifying additional requirements when a specified
73 number of certain vacation rental units that are under
74 common ownership are rented out for a specified number
75 of nights per year; specifying inspection requirements
76 for such vacation rentals; specifying penalties;
77 requiring the division to audit at least a specified
78 number such vacation rentals per year; amending s.
79 509.013, F.S.; revising and defining terms; amending
80 s. 509.032, F.S.; specifying provisions for inspection
81 of vacation rentals; revising the requirements of a
82 report relating to inspection of public lodging and
83 public food service establishments; specifying that
84 local governments may regulate activities that arise
85 when a property is used as a vacation rental subject
86 to certain conditions; requiring the division to make
87 vacation rental license information available to the

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88 public and local governments; amending ss. 159.27,
89 212.08, 316.1955, 404.056, and 477.0135, F.S.;
90 conforming cross-references; amending ss. 509.072,
91 509.091, 509.092, 509.095, 509.101, 509.111, 509.141,
92 509.142, 509.144, 509.162, 509.191, 509.2015, 509.211,
93 509.2112, and 509.215, F.S.; conforming provisions to
94 changes made by the act; amending s. 509.221, F.S.;
95 conforming provisions to changes made by the act;
96 revising a provision that excludes vacation rentals
97 from certain sanitary regulations for public lodging;
98 amending s. 509.241, F.S.; conforming provisions to
99 changes made by the act; amending s. 509.242, F.S.;
100 removing vacation rentals from the classifications of
101 public lodging establishments; amending ss. 509.251,
102 509.281, 509.302, 509.4005, 509.401, 509.402, 509.405,
103 509.409, and 509.417, F.S.; conforming provisions to
104 changes made by the act; amending ss. 553.5041,
105 717.1355, and 877.24, F.S.; conforming cross-
106 references; providing an effective date.

107
108 Be It Enacted by the Legislature of the State of Florida:

109
110 Section 1. The Division of Law Revision and Information is
111 directed to create part III of chapter 509, Florida Statutes,
112 consisting of ss. 509.601-509.609, Florida Statutes, to be
113 entitled "Vacation Rentals."

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

116 509.601 Short title.—This part may be cited as the "Florida

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117 Vacation Rental Act."

118 Section 3. Section 509.603, Florida Statutes, is created to
119 read:

120 509.603 Legislative findings and purpose; preemption of
121 subject matter; duties.-

122 (1) The Legislature finds that:

123 (a) Property owners who choose to use their property as a
124 vacation rental have constitutionally protected property rights
125 and other rights that must be protected, including the right to
126 use their residential property as a vacation rental;

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

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

132 (d) Vacation rentals are residential in nature and, thus,
133 belong in residential neighborhoods.

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

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

140 (4) The division has the authority to carry out this
141 chapter.

142 (5) The division shall adopt rules pursuant to ss.
143 120.536(1) and 120.54 to implement this part.

144 (6) If any provision of this part is held invalid, it is
145 the legislative intent that the preemption by this section be no

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146 longer applicable to the provision of the part held invalid.

147 Section 4. Section 509.604, Florida Statutes, is created to
148 read:

149 509.604 Licenses required; exceptions.

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

152 (2) LICENSES; ANNUAL RENEWALS.—Each vacation rental shall
153 obtain a license from the division. Such license may not be
154 transferred from one place or individual to another. It shall be
155 a misdemeanor of the second degree, punishable as provided in s.
156 775.082 or s. 775.083, for such a rental to operate without a
157 license. Local law enforcement shall provide immediate
158 assistance in pursuing an illegally operating vacation rental.
159 The division may refuse to issue a license, or a renewal
160 thereof, to any vacation rental of an operator of which, within
161 the preceding 5 years, has been adjudicated guilty of, or has
162 forfeited a bond when charged with, any crime reflecting on
163 professional character, including soliciting for prostitution,
164 pandering, letting premises for prostitution, keeping a
165 disorderly place, or illegally dealing in controlled substances
166 as defined in chapter 893, whether in this state or in any other
167 jurisdiction within the United States, or has had a license
168 denied, revoked, or suspended pursuant to s. 429.14. Licenses
169 must be renewed annually, and the division shall adopt a rule
170 establishing a staggered schedule for license renewals. If any
171 license expires while administrative charges are pending against
172 the license, the proceedings against the license shall continue
173 to conclusion as if the license were still in effect.

174 (3) APPLICATION FOR LICENSE.—Each person intending to use

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175 his or her property as a vacation rental must apply for and
176 receive a license from the division before the commencement of
177 such use. The license application must require the operator's
178 emergency contact telephone number. The division must
179 immediately issue a temporary license upon receipt of such
180 application and such temporary license allows the property to
181 begin use as a vacation rental while the application is pending
182 action. The temporary license expires upon final agency action
183 on the license application.

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

186 Section 5. Section 509.605, Florida Statutes, is created to
187 read:

188 509.605 License fees.—

189 (1) The division shall adopt by rule a fee to be paid by
190 each vacation rental as a prerequisite to issuance or renewal of
191 a license. Vacation rental units within separate buildings or at
192 separate locations but managed by one licensed operator may be
193 combined in a single license application, and the division shall
194 charge a license fee as if all units in the application are a
195 single vacation rental; however, such fee may not exceed \$1,000.
196 The division may only issue a license for a maximum of 75 units
197 under one license. The rule must require a vacation rental that
198 applies for an initial license to pay the full license fee if
199 application is made during the annual renewal period or more
200 than 6 months before the next such renewal period and one-half
201 of the fee if application is made 6 months or less before such
202 period. The rule must also require that fees be collected for
203 the purpose of funding the Hospitality Education Program,

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204 pursuant to s. 509.302. Such fees must be payable in full for
205 each application regardless of when the application is
206 submitted.

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

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

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

219 509.6051 Occupancy limits.—Vacation rentals have a maximum
220 occupancy limit of the lesser of the following:

221 (1) Four persons plus two additional persons for each
222 sleeping room.

223 (2) One person for each 150 square feet of finished area.

224 Section 7. Section 509.606, Florida Statutes, is created to
225 read:

226 509.606 Revocation or suspension of licenses; fines;
227 procedure.—

228 (1) Any vacation rental operating in violation of this part
229 or the rules of the division, operating without a license, or
230 operating with a suspended or revoked license may be subject by
231 the division to:

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

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

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

239 (3) The division shall post a prominent closed-for-
240 operation sign on any vacation rental, the license of which has
241 been suspended or revoked. The division shall also post such
242 sign on any vacation rental judicially or administratively
243 determined to be operating without a license. It is a
244 misdemeanor of the second degree, punishable as provided in s.
245 775.082 or s. 775.083, for any person to deface or remove such
246 closed-for-operation sign or for any vacation rental to open for
247 operation without a license or to open for operation while its
248 license is suspended or revoked. The division may impose
249 administrative sanctions for violations of this section.

250 (4) All funds received by the division as satisfaction for
251 administrative fines must be paid into the State Treasury to the
252 credit of the Hotel and Restaurant Trust Fund and may not
253 subsequently be used for payment to any entity performing
254 required inspections under contract with the division.
255 Administrative fines may be used to support division programs
256 pursuant to s. 509.302(1).

257 (5) (a) A license may not be suspended under this section
258 for a period of more than 12 months. At the end of such period
259 of suspension, the vacation rental may apply for reinstatement
260 or renewal of the license. A vacation rental, the license of
261 which is revoked, may not apply for another license for that

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262 location before the date on which the revoked license would have
263 expired.

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

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

272 (a) Any person with a direct financial interest in the
273 licensed vacation rental, within the preceding 5 years in this
274 state, any other state, or the United States, has been
275 adjudicated guilty of or forfeited a bond when charged with
276 soliciting for prostitution, pandering, letting premises for
277 prostitution, keeping a disorderly place, illegally dealing in
278 controlled substances as defined in chapter 893, or any other
279 crime reflecting on professional character.

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

284 (c) An advertisement for the vacation rental does not
285 display the vacation rental license number.

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

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291 provision of this chapter or rule of the division.

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

296 (9) The division may refuse to issue or renew the license
297 of any vacation rental until all outstanding fines are paid in
298 full to the division as required by all final orders or other
299 administrative action issued against the licensee by the
300 division.

301 Section 8. Section 509.607, Florida Statutes, is created to
302 read:

303 509.607 Exemptions.—Vacation rentals are exempt from
304 chapter 83 in the same manner as transient rentals. Any person,
305 partnership, corporation, or other legal entity which, for
306 another and for compensation or other valuable consideration,
307 rents or advertises for rent a vacation rental licensed under
308 chapter 509 is exempt from chapter 475.

309 Section 9. Section 509.608, Florida Statutes, is created to
310 read:

311 509.608 Inspection of premises.—

312 (1) Inspection of vacation rentals is preempted to the
313 state, and the division has jurisdiction and is solely
314 responsible for all inspections. The division is solely
315 responsible for quality assurance.

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

319 (3) The division may not establish by rule any regulation

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320 governing the design, construction, erection, alteration,
321 modification, repair, or demolition of any vacation rental.

322 (4) Vacation rentals must be made available to the division
323 for inspection upon request. If, during the inspection of a
324 vacation rental, an inspector identifies vulnerable adults who
325 appear to be victims of neglect, as defined in s. 415.102, or,
326 in the case of a building that is not equipped with automatic
327 sprinkler systems, tenants or clients who may be unable to self-
328 preserve in an emergency, the division shall convene meetings
329 with the following agencies as appropriate to the individual
330 situation: the Department of Health, the Department of Elderly
331 Affairs, the area agency on aging, the local fire marshal, the
332 landlord and affected tenants and clients, and other relevant
333 organizations, to develop a plan that improves the prospects for
334 safety of affected residents and, if necessary, identifies
335 alternative living arrangements, such as facilities licensed
336 under part II of chapter 400 or under chapter 429.

337 (5) The division shall inspect vacation rentals whenever
338 necessary to respond to an emergency or epidemiological
339 condition.

340 Section 10. Section 509.609, Florida Statutes, is created
341 to read:

342 509.609 Multiple unit vacation rental operators, additional
343 requirements.—

344 (1) When 5 or more vacation rentals in multifamily
345 dwelling are under common ownership and any such vacation
346 rental is rented out more than 180 days per year, such vacation
347 rental is subject to the additional requirements of this
348 section.

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

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

356 (b) When applying for a license renewal, all vacation
357 rentals subject to this section which were rented out more than
358 180 days during the previous licensure period or which are
359 intended to be rented out more than 180 days during the term of
360 the license are subject to the same inspection requirements as
361 public lodging establishments under s. 509.032(2).

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

365 (4) Each year, the division must audit at least 1 percent
366 of operators who are subject to this section to ensure
367 compliance. During an audit, the division must request from the
368 vacation rental operator the register required under s.
369 509.101(2) to ascertain the number of nights rented.

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

371 Section 11. Section 509.013, Florida Statutes, is reordered
372 and amended to read:

373 509.013 Definitions.—As used in this chapter, the term:

374 (2)~~(1)~~ "Division" means the Division of Hotels and
375 Restaurants of the Department of Business and Professional
376 Regulation.

377 (7)~~(2)~~ "Operator" means the owner, licensee, proprietor,

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378 lessee, manager, assistant manager, or appointed agent of a
379 public lodging establishment, vacation rental, or public food
380 service establishment.

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

384 (9)~~(4)~~(a) "Public lodging establishment" includes a
385 transient public lodging establishment as defined in
386 subparagraph 1. and a nontransient public lodging establishment
387 as defined in subparagraph 2.

388 1. "Transient public lodging establishment" means any unit,
389 group of units, dwelling, building, or group of buildings within
390 a single complex of buildings which is rented to guests more
391 than three times in a calendar year for periods of less than 30
392 days or 1 calendar month, whichever is less, or which is
393 advertised or held out to the public as a place regularly rented
394 to guests.

395 2. "Nontransient public lodging establishment" means any
396 unit, group of units, dwelling, building, or group of buildings
397 within a single complex of buildings which is rented to guests
398 for periods of at least 30 days or 1 calendar month, whichever
399 is less, or which is advertised or held out to the public as a
400 place regularly rented to guests for periods of at least 30 days
401 or 1 calendar month.

402

403 License classifications of public lodging establishments, and
404 the definitions therefor, are set out in s. 509.242. For the
405 purpose of licensure, the term does not include condominium
406 common elements as defined in s. 718.103.

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407 (b) The following are excluded from the definitions in
408 paragraph (a):

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

412 2. Any facility certified or licensed and regulated by the
413 Agency for Health Care Administration or the Department of
414 Children and Families or other similar place regulated under s.
415 381.0072.

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

419 4. Any unit or group of units in a condominium,
420 cooperative, or timeshare plan and any individually or
421 collectively owned one-family, two-family, three-family, or
422 four-family dwelling house or dwelling unit that is rented for
423 periods of at least 30 days or 1 calendar month, whichever is
424 less, and that is not advertised or held out to the public as a
425 place regularly rented for periods of less than 1 calendar
426 month, provided that no more than four rental units within a
427 single complex of buildings are available for rent.

428 5. Any migrant labor camp or residential migrant housing
429 permitted by the Department of Health under ss. 381.008-
430 381.00895.

431 6. Any establishment inspected by the Department of Health
432 and regulated by chapter 513.

433 7. Any nonprofit organization that operates a facility
434 providing housing only to patients, patients' families, and
435 patients' caregivers and not to the general public.

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436 8. Any apartment building inspected by the United States
437 Department of Housing and Urban Development or other entity
438 acting on the department's behalf that is designated primarily
439 as housing for persons at least 62 years of age. The division
440 may require the operator of the apartment building to attest in
441 writing that such building meets the criteria provided in this
442 subparagraph. The division may adopt rules to implement this
443 requirement.

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

448 10. Any vacation rental.

449 (8)~~(5)~~(a) "Public food service establishment" means any
450 building, vehicle, place, or structure, or any room or division
451 in a building, vehicle, place, or structure where food is
452 prepared, served, or sold for immediate consumption on or in the
453 vicinity of the premises; called for or taken out by customers;
454 or prepared before ~~prior to~~ being delivered to another location
455 for consumption. The term includes a culinary education program,
456 as defined in s. 381.0072(2), which offers, prepares, serves, or
457 sells food to the general public, regardless of whether it is
458 inspected by another state agency for compliance with sanitation
459 standards.

460 (b) The following are excluded from the definition in
461 paragraph (a):

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

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

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

467 2. Any eating place maintained and operated by a church or
468 a religious, nonprofit fraternal, or nonprofit civic
469 organization:

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

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

473

474 Upon request by the division, a church or a religious, nonprofit
475 fraternal, or nonprofit civic organization claiming an exclusion
476 under this subparagraph must provide the division documentation
477 of its status as a church or a religious, nonprofit fraternal,
478 or nonprofit civic organization.

479 3. Any eating place maintained and operated by an
480 individual or entity at a food contest, cook-off, or a temporary
481 event lasting from 1 to 3 days which is hosted by a church or a
482 religious, nonprofit fraternal, or nonprofit civic organization.
483 Upon request by the division, the event host must provide the
484 division documentation of its status as a church or a religious,
485 nonprofit fraternal, or nonprofit civic organization.

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

488 5. Any eating place maintained by a facility certified or
489 licensed and regulated by the Agency for Health Care
490 Administration or the Department of Children and Families or
491 other similar place that is regulated under s. 381.0072.

492 6. Any place of business issued a permit or inspected by
493 the Department of Agriculture and Consumer Services under s.

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494 500.12.

495 7. Any place of business where the food available for
496 consumption is limited to ice, beverages with or without
497 garnishment, popcorn, or prepackaged items sold without
498 additions or preparation.

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

502 9. Any vending machine that dispenses any food or beverages
503 other than potentially hazardous foods, as defined by division
504 rule.

505 10. Any vending machine that dispenses potentially
506 hazardous food and which is located in a facility regulated
507 under s. 381.0072.

508 11. Any research and development test kitchen limited to
509 the use of employees and which is not open to the general
510 public.

511 (1)~~(6)~~ "Director" means the Director of the Division of
512 Hotels and Restaurants of the Department of Business and
513 Professional Regulation.

514 (10)~~(7)~~ "Single complex of buildings" means all buildings
515 or structures that are owned, managed, controlled, or operated
516 under one business name and are situated on the same tract or
517 plot of land that is not separated by a public street or
518 highway.

519 (11)~~(8)~~ "Temporary food service event" means any event of
520 30 days or less in duration where food is prepared, served, or
521 sold to the general public.

522 (12)~~(9)~~ "Theme park or entertainment complex" means a

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523 complex consisting ~~comprised~~ of at least 25 contiguous acres
524 owned and controlled by the same business entity and which
525 contains permanent exhibitions and a variety of recreational
526 activities and has a minimum of 1 million visitors annually.

527 (13) ~~(10)~~ "Third-party provider" means, for purposes of s.
528 509.049, any provider of an approved food safety training
529 program that provides training or such a training program to a
530 public food service establishment that is not under common
531 ownership or control with the provider.

532 (15) ~~(11)~~ "Transient establishment" means any public lodging
533 establishment that is rented or leased to guests by an operator
534 whose intention is that such guests' occupancy will be
535 temporary.

536 (16) ~~(12)~~ "Transient occupancy" means occupancy when it is
537 the intention of the parties that the occupancy will be
538 temporary. There is a rebuttable presumption that, when the
539 dwelling unit occupied is not the sole residence of the guest,
540 the occupancy is transient.

541 (14) ~~(13)~~ "Transient" means a guest in transient occupancy.

542 (5) ~~(14)~~ "Nontransient establishment" means any public
543 lodging establishment that is rented or leased to guests by an
544 operator whose intention is that the dwelling unit occupied will
545 be the sole residence of the guest.

546 (6) ~~(15)~~ "Nontransient occupancy" means any occupancy in
547 which ~~when~~ it is the intention of the parties that such ~~the~~
548 occupancy will not be temporary. There is a rebuttable
549 presumption that, when the dwelling unit occupied is the sole
550 residence of the guest, the occupancy is nontransient.

551 (4) ~~(16)~~ "Nontransient" means a guest in nontransient

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552 occupancy.

553 (17) "Vacation rental" means any unit in a condominium or
554 cooperative or any individually or collectively owned single-
555 family, two-family, three-family, or four-family house or
556 dwelling unit that is rented to guests for periods of less than
557 180 days but that is not a timeshare project.

558 Section 12. Paragraphs (a) and (d) of subsection (2),
559 paragraph (c) of subsection (3), subsection (5), and subsection
560 (7) of section 509.032, Florida Statutes, are amended to read:

561 509.032 Duties.—

562 (2) INSPECTION OF PREMISES.—

563 (a) The division has jurisdiction and is responsible for
564 all inspections required by this chapter. The inspection of
565 vacation rentals shall be done in accordance with part III of
566 this chapter. The division is responsible for quality assurance.
567 The division shall inspect each licensed public lodging
568 establishment at least biannually, except for transient and
569 nontransient apartments, which shall be inspected at least
570 annually. Each establishment licensed by the division shall be
571 inspected at such other times as the division determines is
572 necessary to ensure the public's health, safety, and welfare.
573 The division shall adopt by rule a risk-based inspection
574 frequency for each licensed public food service establishment.
575 The rule must require at least one, but not more than four,
576 routine inspections that must be performed annually, and may
577 include guidelines that consider the inspection and compliance
578 history of a public food service establishment, the type of food
579 and food preparation, and the type of service. The division
580 shall reassess the inspection frequency of all licensed public

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581 food service establishments at least annually. Public lodging
582 units classified as ~~vacation rentals or~~ timeshare projects are
583 not subject to this requirement but shall be made available to
584 the division upon request. If, during the inspection of a public
585 lodging establishment classified for renting to transient or
586 nontransient tenants, an inspector identifies vulnerable adults
587 who appear to be victims of neglect, as defined in s. 415.102,
588 or, in the case of a building that is not equipped with
589 automatic sprinkler systems, tenants or clients who may be
590 unable to self-preserve in an emergency, the division shall
591 convene meetings with the following agencies as appropriate to
592 the individual situation: the Department of Health, the
593 Department of Elderly Affairs, the area agency on aging, the
594 local fire marshal, the landlord and affected tenants and
595 clients, and other relevant organizations, to develop a plan
596 that improves the prospects for safety of affected residents
597 and, if necessary, identifies alternative living arrangements
598 such as facilities licensed under part II of chapter 400 or
599 under chapter 429.

600 (d) The division shall adopt and enforce sanitation rules
601 consistent with law to ensure the protection of the public from
602 food-borne illness in those establishments licensed under this
603 chapter. These rules shall provide the standards and
604 requirements for obtaining, storing, preparing, processing,
605 serving, or displaying food in public food service
606 establishments, approving public food service establishment
607 facility plans, conducting necessary public food service
608 establishment inspections for compliance with sanitation
609 regulations, cooperating and coordinating with the Department of

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610 Health in epidemiological investigations, and initiating
611 enforcement actions, and for other such responsibilities deemed
612 necessary by the division. The division may not establish by
613 rule any regulation governing the design, construction,
614 erection, alteration, modification, repair, or demolition of any
615 public lodging or public food service establishment. It is the
616 intent of the Legislature to preempt that function to the
617 Florida Building Commission and the State Fire Marshal through
618 adoption and maintenance of the Florida Building Code and the
619 Florida Fire Prevention Code. The division shall provide
620 technical assistance to the commission in updating the
621 construction standards of the Florida Building Code which govern
622 public lodging and public food service establishments. Further,
623 the division shall enforce the provisions of the Florida
624 Building Code which apply to public lodging and public food
625 service establishments in conducting any inspections authorized
626 by this part. The division, or its agent, shall notify the local
627 firesafety authority or the State Fire Marshal of any readily
628 observable violation of a rule adopted under chapter 633 which
629 relates to public lodging establishments, vacation rental, or
630 public food establishments, and the identification of such
631 violation does not require any firesafety inspection
632 certification.

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

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

638 1. Sponsors of temporary food service events shall notify

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639 the division not less than 3 days before the scheduled event of
640 the type of food service proposed, the time and location of the
641 event, a complete list of food service vendors participating in
642 the event, the number of individual food service facilities each
643 vendor will operate at the event, and the identification number
644 of each food service vendor's current license as a public food
645 service establishment or temporary food service event licensee.
646 Notification may be completed orally, by telephone, in person,
647 or in writing. A public food service establishment or food
648 service vendor may not use this notification process to
649 circumvent the license requirements of this chapter.

650 2. The division shall keep a record of all notifications
651 received for proposed temporary food service events and shall
652 provide appropriate educational materials to the event sponsors
653 and notify the event sponsors of the availability of the food-
654 recovery brochure developed under s. 595.420.

655 3.a. Unless excluded under s. 509.013(8)(b) ~~s.~~
656 ~~509.013(5)(b)~~, a public food service establishment or other food
657 service vendor must obtain one of the following classes of
658 license from the division: an individual license, for a fee of
659 no more than \$105, for each temporary food service event in
660 which it participates; or an annual license, for a fee of no
661 more than \$1,000, that entitles the licensee to participate in
662 an unlimited number of food service events during the license
663 period. The division shall establish license fees, by rule, and
664 may limit the number of food service facilities a licensee may
665 operate at a particular temporary food service event under a
666 single license.

667 b. Public food service establishments holding current

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668 licenses from the division may operate under the regulations of
669 such a license at temporary food service events.

670 (5) REPORTS REQUIRED.—The division shall submit annually to
671 the Governor, the President of the Senate, the Speaker of the
672 House of Representatives, and the chairs of the legislative
673 appropriations committees a report, which shall state, but need
674 not be limited to, the total number of active public lodging and
675 public food service licenses in the state, the total number of
676 inspections of these establishments conducted by the division to
677 ensure the enforcement of sanitary standards, the total number
678 of inspections conducted in response to emergency or
679 epidemiological conditions, the number of violations of each
680 sanitary standard, the total number of inspections conducted to
681 meet the statutorily required number of inspections, and any
682 recommendations for improved inspection procedures. The division
683 shall also keep accurate account of all expenses arising out of
684 the performance of its duties and all fees collected under this
685 chapter. The report shall be submitted by September 30 following
686 the end of the fiscal year. This report must also include
687 vacation rentals, as applicable.

688 (7) LOCAL REGULATION ~~PREEMPTION AUTHORITY.~~—

689 (a) The regulation of public lodging establishments and
690 public food service establishments, including, but not limited
691 to, sanitation standards, inspections, training and testing of
692 personnel, and matters related to the nutritional content and
693 marketing of foods offered in such establishments, is preempted
694 to the state. This paragraph does not preempt the authority of a
695 local government or local enforcement district to conduct
696 inspections of public lodging and public food service

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697 establishments for compliance with the Florida Building Code and
698 the Florida Fire Prevention Code, pursuant to ss. 553.80 and
699 633.206.

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

706 2. The division shall make the vacation rental license
707 information required under this chapter, including the
708 operator's emergency contact information, available to the
709 public and local governments. Local governments may use this
710 license information for informational purposes only.

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

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

721 Section 13. Subsection (12) of section 159.27, Florida
722 Statutes, is amended to read:

723 159.27 Definitions.—The following words and terms, unless
724 the context clearly indicates a different meaning, shall have
725 the following meanings:

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726 (12) "Public lodging or restaurant facility" means property
727 used for any public lodging establishment as defined in s.
728 509.242 or public food service establishment as defined in s.
729 509.013 ~~s. 509.013(5)~~ if it is part of the complex of, or
730 necessary to, another facility qualifying under this part.

731 Section 14. Paragraph (jj) of subsection (7) of section
732 212.08, Florida Statutes, is amended to read:

733 212.08 Sales, rental, use, consumption, distribution, and
734 storage tax; specified exemptions.—The sale at retail, the
735 rental, the use, the consumption, the distribution, and the
736 storage to be used or consumed in this state of the following
737 are hereby specifically exempt from the tax imposed by this
738 chapter.

739 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
740 entity by this chapter do not inure to any transaction that is
741 otherwise taxable under this chapter when payment is made by a
742 representative or employee of the entity by any means,
743 including, but not limited to, cash, check, or credit card, even
744 when that representative or employee is subsequently reimbursed
745 by the entity. In addition, exemptions provided to any entity by
746 this subsection do not inure to any transaction that is
747 otherwise taxable under this chapter unless the entity has
748 obtained a sales tax exemption certificate from the department
749 or the entity obtains or provides other documentation as
750 required by the department. Eligible purchases or leases made
751 with such a certificate must be in strict compliance with this
752 subsection and departmental rules, and any person who makes an
753 exempt purchase with a certificate that is not in strict
754 compliance with this subsection and the rules is liable for and

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755 shall pay the tax. The department may adopt rules to administer
756 this subsection.

757 (jj) *Complimentary meals.*—Also exempt from the tax imposed
758 by this chapter are food or drinks that are furnished as part of
759 a packaged room rate by any person offering for rent or lease
760 any transient living accommodations as described in s.
761 509.013(9)(a) ~~s. 509.013(4)(a)~~ which are licensed under part I
762 of chapter 509 and which are subject to the tax under s. 212.03,
763 if a separate charge or specific amount for the food or drinks
764 is not shown. Such food or drinks are considered to be sold at
765 retail as part of the total charge for the transient living
766 accommodations. Moreover, the person offering the accommodations
767 is not considered to be the consumer of items purchased in
768 furnishing such food or drinks and may purchase those items
769 under conditions of a sale for resale.

770 Section 15. Paragraph (b) of subsection (4) of section
771 316.1955, Florida Statutes, is amended to read:

772 316.1955 Enforcement of parking requirements for persons
773 who have disabilities.—

774 (4)

775 (b) Notwithstanding paragraph (a), a theme park or ~~an~~
776 entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~
777 which provides parking in designated areas for persons who have
778 disabilities may allow any vehicle that is transporting a person
779 who has a disability to remain parked in a space reserved for
780 persons who have disabilities throughout the period the theme
781 park is open to the public for that day.

782 Section 16. Subsection (5) of section 404.056, Florida
783 Statutes, is amended to read:

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784 404.056 Environmental radiation standards and projects;
785 certification of persons performing measurement or mitigation
786 services; mandatory testing; notification on real estate
787 documents; rules.—

788 (5) NOTIFICATION ON REAL ESTATE DOCUMENTS.—Notification
789 shall be provided on at least one document, form, or application
790 executed at the time of, or prior to, contract for sale and
791 purchase of any building or execution of a rental agreement for
792 any building. Such notification shall contain the following
793 language:

794
795 "RADON GAS: Radon is a naturally occurring radioactive gas
796 that, when it has accumulated in a building in sufficient
797 quantities, may present health risks to persons who are exposed
798 to it over time. Levels of radon that exceed federal and state
799 guidelines have been found in buildings in Florida. Additional
800 information regarding radon and radon testing may be obtained
801 from your county health department."
802

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

807 Section 17. Subsection (6) of section 477.0135, Florida
808 Statutes, is amended to read:

809 477.0135 Exemptions.—

810 (6) A license is not required of any individual providing
811 makeup or special effects services in a theme park or
812 entertainment complex to an actor, stunt person, musician,

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813 extra, or other talent, or providing makeup or special effects
814 services to the general public. The term "theme park or
815 entertainment complex" has the same meaning as in s. 509.013 ~~s.~~
816 ~~509.013(9)~~.

817 Section 18. Subsection (1) of section 509.072, Florida
818 Statutes, is amended to read:

819 509.072 Hotel and Restaurant Trust Fund; collection and
820 disposition of moneys received.—

821 (1) There is created a Hotel and Restaurant Trust Fund to
822 be used for the administration and operation of the division and
823 the carrying out of all laws and rules under the jurisdiction of
824 the division pertaining to the construction, maintenance, and
825 operation of public lodging establishments, vacation rentals,
826 and public food service establishments, including the inspection
827 of elevators as required under chapter 399. All funds collected
828 by the division and the amounts paid for licenses and fees shall
829 be deposited in the State Treasury into the Hotel and Restaurant
830 Trust Fund.

831 Section 19. Section 509.091, Florida Statutes, is amended
832 to read:

833 509.091 Notices; form and service.—

834 (1) Each notice served by the division pursuant to this
835 chapter must be in writing and must be delivered personally by
836 an agent of the division or by registered letter to the operator
837 of the public lodging establishment, vacation rental, or public
838 food service establishment. If the operator refuses to accept
839 service or evades service or the agent is otherwise unable to
840 effect service after due diligence, the division may post such
841 notice in a conspicuous place at the establishment.

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842 (2) Notwithstanding subsection (1), the division may
843 deliver lodging inspection reports and food service inspection
844 reports to the operator of the public lodging establishment,
845 vacation rental, or public food service establishment by
846 electronic means.

847 Section 20. Section 509.092, Florida Statutes, is amended
848 to read:

849 509.092 Public lodging establishments, vacation rentals,
850 and public food service establishments; rights as private
851 enterprises.—Public lodging establishments and public food
852 service establishments are private enterprises, and the operator
853 has the right to refuse accommodations or service to any person
854 who is objectionable or undesirable to the operator, but such
855 refusal may not be based upon race, creed, color, sex,
856 pregnancy, physical disability, or national origin. A person
857 aggrieved by a violation of this section or a violation of a
858 rule adopted under this section has a right of action pursuant
859 to s. 760.11.

860 Section 21. Section 509.095, Florida Statutes, is amended
861 to read:

862 509.095 Accommodations at public lodging establishments or
863 vacation rentals for individuals with a valid military
864 identification card.—Upon the presentation of a valid military
865 identification card by an individual who is currently on active
866 duty as a member of the United States Armed Forces, National
867 Guard, Reserve Forces, or Coast Guard, and who seeks to obtain
868 accommodations at a hotel, motel, or bed and breakfast inn, as
869 defined in s. 509.242, or vacation rental, such hotel, motel, ~~or~~
870 bed and breakfast inn, or vacation rental shall waive any

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871 minimum age policy that it may have which restricts
872 accommodations to individuals based on age. Duplication of a
873 military identification card presented pursuant to this section
874 is prohibited.

875 Section 22. Subsections (1) and (2) of section 509.101,
876 Florida Statutes, are amended to read:

877 509.101 Establishment rules; posting of notice; food
878 service inspection report; maintenance of guest register; mobile
879 food dispensing vehicle registry.-

880 (1) Any operator of a public lodging establishment,
881 vacation rental, or ~~a~~ public food service establishment may
882 establish reasonable rules and regulations for the management of
883 the establishment and its guests and employees; and each guest
884 or employee staying, sojourning, eating, or employed in the
885 establishment shall conform to and abide by such rules and
886 regulations so long as the guest or employee remains in or at
887 the establishment. Such rules and regulations shall be deemed to
888 be a special contract between the operator and each guest or
889 employee using the services or facilities of the operator. Such
890 rules and regulations shall control the liabilities,
891 responsibilities, and obligations of all parties. Any rules or
892 regulations established pursuant to this section shall be
893 printed in the English language and posted in a prominent place
894 within such public lodging establishment, vacation rental, or
895 public food service establishment. In addition, any operator of
896 a public food service establishment shall maintain a copy of the
897 latest food service inspection report and shall make it
898 available to the division at the time of any division inspection
899 of the establishment and to the public, upon request.

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900 (2) It is the duty of each operator of a transient
901 establishment or vacation rental to maintain at all times a
902 register ~~of, signed by or for~~ guests who occupy rental units
903 within the establishment, showing the dates upon which the
904 rental units were occupied by such guests and the rates charged
905 for their occupancy. This register shall be maintained in
906 chronological order and available for inspection by the division
907 at any time. Operators need not make available registers which
908 are more than 2 years old.

909 Section 23. Section 509.111, Florida Statutes, is amended
910 to read:

911 509.111 Liability for property of guests.—

912 (1) The operator of a public lodging establishment or
913 vacation rental is not under any obligation to accept for
914 safekeeping any moneys, securities, jewelry, or precious stones
915 of any kind belonging to any guest, and, if such are accepted
916 for safekeeping, the operator is not liable for the loss thereof
917 unless such loss was the proximate result of fault or negligence
918 of the operator. However, the liability of the operator shall be
919 limited to \$1,000 for such loss, if the public lodging
920 establishment or vacation rental gave a receipt for the property
921 (stating the value) on a form which stated, in type large enough
922 to be clearly noticeable, that the public lodging establishment
923 or vacation rental was not liable for any loss exceeding \$1,000
924 and was only liable for that amount if the loss was the
925 proximate result of fault or negligence of the operator.

926 (2) The operator of a public lodging establishment or
927 vacation rental is not liable or responsible to any guest for
928 the loss of wearing apparel, goods, or other property, except as

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929 provided in subsection (1), unless such loss occurred as the
930 proximate result of fault or negligence of such operator, and,
931 in case of fault or negligence, the operator is not liable for a
932 greater sum than \$500, unless the guest, before ~~prior to~~ the
933 loss or damage, files with the operator an inventory of the
934 guest's effects and the value thereof and the operator is given
935 the opportunity to inspect such effects and check them against
936 such inventory. The operator of a public lodging establishment
937 or vacation rental is not liable or responsible to any guest for
938 the loss of effects listed in such inventory in a total amount
939 exceeding \$1,000.

940 Section 24. Section 509.141, Florida Statutes, is amended
941 to read:

942 509.141 Refusal of admission and ejection of undesirable
943 guests; notice; procedure; penalties for refusal to leave.-

944 (1) The operator of any public lodging establishment,
945 vacation rental, or public food service establishment may remove
946 or cause to be removed from such establishment, in the manner
947 hereinafter provided, any guest of the establishment who, while
948 on the premises of the establishment, illegally possesses or
949 deals in controlled substances as defined in chapter 893 or is
950 intoxicated, profane, lewd, or brawling; who indulges in any
951 language or conduct which disturbs the peace and comfort of
952 other guests or which injures the reputation, dignity, or
953 standing of the establishment; who, in the case of a public
954 lodging establishment or vacation rental, fails to make payment
955 of rent at the agreed-upon rental rate by the agreed-upon
956 checkout time; who, in the case of a public lodging
957 establishment or vacation rental, fails to check out by the time

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958 agreed upon in writing by the guest and public lodging
959 establishment or vacation rental at check-in unless an extension
960 of time is agreed to by the public lodging establishment or
961 vacation rental and guest before ~~prior to~~ checkout; who, in the
962 case of a public food service establishment, fails to make
963 payment for food, beverages, or services; or who, in the opinion
964 of the operator, is a person the continued entertainment of whom
965 would be detrimental to such establishment. The admission to, or
966 the removal from, such establishment may ~~shall~~ not be based upon
967 race, creed, color, sex, physical disability, or national
968 origin.

969 (2) The operator of any public lodging establishment,
970 vacation rental, or public food service establishment shall
971 notify such guest that the establishment no longer desires to
972 entertain the guest and shall request that such guest
973 immediately depart from the establishment. Such notice may be
974 given orally or in writing. If the notice is in writing, it
975 shall be as follows:

976
977 "You are hereby notified that this establishment no longer
978 desires to entertain you as its guest, and you are requested to
979 leave at once. To remain after receipt of this notice is a
980 misdemeanor under the laws of this state."

981
982 If such guest has paid in advance, the establishment shall, at
983 the time such notice is given, tender to such guest the unused
984 portion of the advance payment; however, the establishment may
985 withhold payment for each full day that the guest has been
986 entertained at the establishment for any portion of the 24-hour

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987 period of such day.

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

992 (4) If any person is illegally on the premises of any
993 public lodging establishment, vacation rental, or public food
994 service establishment, the operator of such establishment may
995 call upon any law enforcement officer of this state for
996 assistance. It is the duty of such law enforcement officer, upon
997 the request of such operator, to place under arrest and take
998 into custody for violation of this section any guest who
999 violates subsection (3) in the presence of the officer. If a
1000 warrant has been issued by the proper judicial officer for the
1001 arrest of any violator of subsection (3), the officer shall
1002 serve the warrant, arrest the person, and take the person into
1003 custody. Upon arrest, with or without warrant, the guest will be
1004 deemed to have given up any right to occupancy or to have
1005 abandoned such right of occupancy of the premises, and the
1006 operator of the establishment may then make such premises
1007 available to other guests. However, the operator of the
1008 establishment shall employ all reasonable and proper means to
1009 care for any personal property which may be left on the premises
1010 by such guest and shall refund any unused portion of moneys paid
1011 by such guest for the occupancy of such premises.

1012 Section 25. Section 509.142, Florida Statutes, is amended
1013 to read:

1014 509.142 Conduct on premises; refusal of service.—The
1015 operator of a public lodging establishment, vacation rental, or

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1016 public food service establishment may refuse accommodations or
1017 service to any person whose conduct on the premises of the
1018 establishment displays intoxication, profanity, lewdness, or
1019 brawling; who indulges in language or conduct such as to disturb
1020 the peace or comfort of other guests; who engages in illegal or
1021 disorderly conduct; who illegally possesses or deals in
1022 controlled substances as defined in chapter 893; or whose
1023 conduct constitutes a nuisance. Such refusal may not be based
1024 upon race, creed, color, sex, physical disability, or national
1025 origin.

1026 Section 26. Section 509.144, Florida Statutes, is amended
1027 to read:

1028 509.144 Prohibited handbill distribution in a public
1029 lodging establishment or vacation rental; penalties.-

1030 (1) As used in this section, the term:

1031 (a) "Handbill" means a flier, leaflet, pamphlet, or other
1032 written material that advertises, promotes, or informs persons
1033 about a person, business, company, or food service establishment
1034 but does not include employee communications permissible under
1035 the National Labor Relations Act, other communications protected
1036 by the First Amendment to the United States Constitution, or
1037 communications about public health, safety, or welfare
1038 distributed by a federal, state, or local governmental entity or
1039 a public or private utility.

1040 (b) "Without permission" means without the expressed
1041 written permission of the owner, manager, or agent of the owner
1042 or manager of the public lodging establishment or vacation
1043 rental where a sign is posted prohibiting advertising or
1044 solicitation in the manner provided in subsection (5).

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1045 (c) "At or in a public lodging establishment or vacation
1046 rental" means any property under the sole ownership or control
1047 of a public lodging establishment or vacation rental.

1048 (2) Any person, agent, contractor, or volunteer who is
1049 acting on behalf of a person, business, company, or food service
1050 establishment and who, without permission, delivers,
1051 distributes, or places, or attempts to deliver, distribute, or
1052 place, a handbill at or in a public lodging establishment or
1053 vacation rental commits a misdemeanor of the first degree,
1054 punishable as provided in s. 775.082 or s. 775.083.

1055 (3) Any person who, without permission, directs another
1056 person to deliver, distribute, or place, or attempts to deliver,
1057 distribute, or place, a handbill at or in a public lodging
1058 establishment or vacation rental commits a misdemeanor of the
1059 first degree, punishable as provided in s. 775.082 or s.
1060 775.083. Any person sentenced under this subsection shall be
1061 ordered to pay a minimum fine of \$500 in addition to any other
1062 penalty imposed by the court.

1063 (4) In addition to any penalty imposed by the court, a
1064 person who violates subsection (2) or subsection (3) must:

1065 (a) ~~Shall~~ Pay a minimum fine of \$2,000 for a second
1066 violation.

1067 (b) ~~Shall~~ Pay a minimum fine of \$3,000 for a third or
1068 subsequent violation.

1069 (5) For purposes of this section, a public lodging
1070 establishment or vacation rental that intends to prohibit
1071 advertising or solicitation, as described in this section, at or
1072 in such establishment must comply with the following
1073 requirements when posting a sign prohibiting such solicitation

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1074 or advertising:

1075 (a) There must appear prominently on any sign referred to
1076 in this subsection, in letters of not less than 2 inches in
1077 height, the terms "no advertising" or "no solicitation" or terms
1078 that indicate the same meaning.

1079 (b) The sign must be posted conspicuously.

1080 (c) If the main office of a ~~the~~ public lodging
1081 establishment is immediately accessible by entering the office
1082 through a door from a street, parking lot, grounds, or other
1083 area outside such establishment, the sign must be placed on a
1084 part of the main office, such as a door or window, and the sign
1085 must face the street, parking lot, grounds, or other area
1086 outside such establishment.

1087 (d) If the main office of a ~~the~~ public lodging
1088 establishment is not immediately accessible by entering the
1089 office through a door from a street, parking lot, grounds, or
1090 other area outside such establishment, the sign must be placed
1091 in the immediate vicinity of the main entrance to such
1092 establishment, and the sign must face the street, parking lot,
1093 grounds, or other area outside such establishment.

1094 (6) Any personal property, including, but not limited to,
1095 any vehicle, item, object, tool, device, weapon, machine, money,
1096 security, book, or record, that is used or attempted to be used
1097 as an instrumentality in the commission of, or in aiding and
1098 abetting in the commission of, a person's third or subsequent
1099 violation of this section, whether or not comprising an element
1100 of the offense, is subject to seizure and forfeiture under the
1101 Florida Contraband Forfeiture Act.

1102 Section 27. Subsections (1), (2), and (3) of section

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1103 509.162, Florida Statutes, are amended to read:

1104 509.162 Theft of personal property; detaining and arrest of
1105 violator; theft by employee.—

1106 (1) Any law enforcement officer or operator of a public
1107 lodging establishment, vacation rental, or public food service
1108 establishment who has probable cause to believe that theft of
1109 personal property belonging to such establishment has been
1110 committed by a person and that the officer or operator can
1111 recover such property or the reasonable value thereof by taking
1112 the person into custody may, for the purpose of attempting to
1113 effect such recovery or for prosecution, take such person into
1114 custody on the premises and detain such person in a reasonable
1115 manner and for a reasonable period of time. If the operator
1116 takes the person into custody, a law enforcement officer shall
1117 be called to the scene immediately. The taking into custody and
1118 detention by a law enforcement officer or operator of a public
1119 lodging establishment, vacation rental, or public food service
1120 establishment, if done in compliance with this subsection, does
1121 not render such law enforcement officer or operator criminally
1122 or civilly liable for false arrest, false imprisonment, or
1123 unlawful detention.

1124 (2) Any law enforcement officer may arrest, either on or
1125 off the premises and without warrant, any person if there is
1126 probable cause to believe that person has committed theft in a
1127 public lodging establishment, vacation rental, or ~~in a~~ public
1128 food service establishment.

1129 (3) Any person who resists the reasonable effort of a law
1130 enforcement officer or operator of a public lodging
1131 establishment, vacation rental, or public food service

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1132 establishment to recover property which the law enforcement
1133 officer or operator had probable cause to believe had been
1134 stolen from the public lodging establishment, vacation rental,
1135 or public food service establishment, and who is subsequently
1136 found to be guilty of theft of the subject property, is guilty
1137 of a misdemeanor of the first degree, punishable as provided in
1138 s. 775.082 or s. 775.083, unless such person did not know, or
1139 did not have reason to know, that the person seeking to recover
1140 the property was a law enforcement officer or the operator. For
1141 purposes of this section, the charge of theft and the charge of
1142 resisting apprehension may be tried concurrently.

1143 Section 28. Section 509.191, Florida Statutes, is amended
1144 to read:

1145 509.191 Unclaimed property.—Any property with an
1146 identifiable owner which is left in a public lodging
1147 establishment, vacation rental, or public food service
1148 establishment, other than property belonging to a guest who has
1149 vacated the premises without notice to the operator and with an
1150 outstanding account, which property remains unclaimed after
1151 being held by the establishment for 30 days after written notice
1152 to the guest or owner of the property, shall become the property
1153 of the establishment. Property without an identifiable owner
1154 which is found in a public lodging establishment, vacation
1155 rental, or public food service establishment is subject to the
1156 provisions of chapter 705.

1157 Section 29. Section 509.2015, Florida Statutes, is amended
1158 to read:

1159 509.2015 Telephone surcharges by public lodging
1160 establishments and vacation rentals.—

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1161 (1) A public lodging establishment or vacation rental that
1162 ~~which~~ imposes a surcharge for any telephone call must post
1163 notice of such surcharge in a conspicuous place located by each
1164 telephone from which a call which is subject to a surcharge may
1165 originate. Such notice must be plainly visible and printed on a
1166 sign that is not less than 3 inches by 5 inches in size, and
1167 such notice shall clearly state if the surcharge applies whether
1168 or not the telephone call has been attempted or completed.

1169 (2) The division may, pursuant to s. 509.261 or s. 509.606,
1170 suspend or revoke the license of, or impose a fine against, any
1171 public lodging establishment or vacation rental that violates
1172 subsection (1).

1173 Section 30. Subsections (1), (2), and (3) of section
1174 509.211, Florida Statutes, are amended to read:

1175 509.211 Safety regulations.—

1176 (1) Each bedroom or apartment in each public lodging
1177 establishment or vacation rental must ~~shall~~ be equipped with an
1178 approved locking device on each door opening to the outside, to
1179 an adjoining room or apartment, or to a hallway.

1180 (2) (a) It is unlawful for any person to use within any
1181 public lodging establishment, vacation rental, or public food
1182 service establishment any fuel-burning wick-type equipment for
1183 space heating unless such equipment is vented so as to prevent
1184 the accumulation of toxic or injurious gases or liquids.

1185 (b) Any person who violates ~~the provisions of~~ paragraph (a)
1186 commits a misdemeanor of the second degree, punishable as
1187 provided in s. 775.082 or s. 775.083.

1188 (3) Each public lodging establishment or vacation rental
1189 that is three or more stories in height must have safe and

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1190 secure railings on all balconies, platforms, and stairways, and
1191 all such railings must be properly maintained and repaired. The
1192 division may impose administrative sanctions for violations of
1193 this subsection pursuant to s. 509.261.

1194 Section 31. Section 509.2112, Florida Statutes, is amended
1195 to read:

1196 509.2112 Public lodging establishments and vacation rentals
1197 three stories or more in height; inspection rules.—The Division
1198 of Hotels and Restaurants of the Department of Business and
1199 Professional Regulation is directed to provide rules to require
1200 that:

1201 (1) Every public lodging establishment or vacation rental
1202 that is three stories or more in height in the state file a
1203 certificate stating that any and all balconies, platforms,
1204 stairways, and railways have been inspected by a person
1205 competent to conduct such inspections and are safe, secure, and
1206 free of defects.

1207 (2) The information required under subsection (1) be filed
1208 commencing January 1, 1991, and every 3 years thereafter, with
1209 the Division of Hotels and Restaurants and the applicable county
1210 or municipal authority responsible for building and zoning
1211 permits.

1212 (3) If a public lodging establishment or vacation rental
1213 that is three or more stories in height fails to file the
1214 information required in subsection (1), the Division of Hotels
1215 and Restaurants shall impose administrative sanctions pursuant
1216 to s. 509.261.

1217 Section 32. Subsections (2) and (3), paragraph (a) of
1218 subsection (4), and subsection (6) of section 509.215, Florida

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1219 Statutes, are amended to read:

1220 509.215 Firesafety.—

1221 (2) Any public lodging establishment or vacation rental, as
1222 defined in this chapter, which is of three stories or more and
1223 for which the construction contract was let before October 1,
1224 1983, shall be equipped with:

1225 (a) A system which complies with subsection (1); or

1226 (b) An approved sprinkler system for all interior
1227 corridors, public areas, storage rooms, closets, kitchen areas,
1228 and laundry rooms, less individual guest rooms, if the following
1229 conditions are met:

1230 1. There is a minimum 1-hour separation between each guest
1231 room and between each guest room and a corridor.

1232 2. The building is constructed of noncombustible materials.

1233 3. The egress conditions meet the requirements of s. 5-3 of
1234 the Life Safety Code, NFPA 101.

1235 4. The building has a complete automatic fire detection
1236 system which meets the requirements of NFPA-72A and NFPA-72E,
1237 including smoke detectors in each guest room individually
1238 annunciating to a panel at a supervised location.

1239 (3) Notwithstanding any other provision of law to the
1240 contrary, this section applies only to those public lodging
1241 establishments and vacation rentals in a building wherein more
1242 than 50 percent of the units in the building are advertised or
1243 held out to the public as available for transient occupancy.

1244 (4) (a) Special exception to the provisions of this section
1245 shall be made for a public lodging establishment or vacation
1246 rental structure that is individually listed in the National
1247 Register of Historic Places pursuant to the National Historic

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1248 Preservation Act of 1966, as amended; or is a contributing
1249 property to a National Register-listed district; or is
1250 designated as a historic property, or as a contributing property
1251 to a historic district under the terms of a local preservation
1252 ordinance.

1253 (6) Specialized smoke detectors for the deaf and hearing
1254 impaired shall be available upon request by guests in public
1255 lodging establishments or vacation rentals at a rate of at least
1256 one such smoke detector per 50 dwelling units or portions
1257 thereof, not to exceed five such smoke detectors per public
1258 lodging facility.

1259 Section 33. Paragraph (a) of subsection (1), paragraph (b)
1260 of subsection (2), subsection (4), and subsection (9) of section
1261 509.221, Florida Statutes, are amended to read:

1262 509.221 Sanitary regulations.—

1263 (1)(a) Each public lodging establishment and vacation
1264 rental shall be supplied with potable water and shall provide
1265 adequate sanitary facilities for the accommodation of its
1266 employees and guests. Such facilities may include, but are not
1267 limited to, showers, handwash basins, toilets, and bidets. Such
1268 sanitary facilities shall be connected to approved plumbing.
1269 Such plumbing shall be sized, installed, and maintained in
1270 accordance with the Florida Building Code as approved by the
1271 local building authority. Wastewater or sewage shall be properly
1272 treated onsite or discharged into an approved sewage collection
1273 and treatment system.

1274 (2)(b) Within a theme park or entertainment complex as
1275 defined in s. 509.013 ~~s. 509.013(9)~~, the bathrooms are not
1276 required to be in the same building as the public food service

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1277 establishment, so long as they are reasonably accessible.

1278 (4) Each bedroom in a public lodging establishment and
1279 vacation rental shall have an opening to the outside of the
1280 building, air shafts, or courts sufficient to provide adequate
1281 ventilation. Where ventilation is provided mechanically, the
1282 system shall be capable of providing at least two air changes
1283 per hour in all areas served. Where ventilation is provided by
1284 windows, each room shall have at least one window opening
1285 directly to the outside.

1286 (9) Subsections (2), (5), and (6) do not apply to any
1287 facility or unit classified as a ~~vacation rental~~, nontransient
1288 apartment, or timeshare project as described in s. 509.242(1)(c)
1289 and (f) ~~s. 509.242(1)(c), (d), and (g)~~.

1290 Section 34. Subsection (2) of section 509.241, Florida
1291 Statutes, is amended to read:

1292 509.241 Licenses required; exceptions.—

1293 (2) APPLICATION FOR LICENSE.—Each person who plans to open
1294 a public lodging establishment or a public food service
1295 establishment shall apply for and receive a license from the
1296 division before ~~prior to~~ the commencement of operation. A
1297 condominium association, as defined in s. 718.103, which does
1298 not own any units classified as a timeshare project ~~vacation~~
1299 ~~rentals or timeshare projects~~ under s. 509.242(1)(f) or as a
1300 vacation rental ~~s. 509.242(1)(e) or (g)~~ is not required to apply
1301 for or receive a public lodging establishment license.

1302 Section 35. Subsection (1) of section 509.242, Florida
1303 Statutes, is amended to read:

1304 509.242 Public lodging establishments; classifications.—

1305 (1) A public lodging establishment is ~~shall be~~ classified

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1306 as a hotel, motel, nontransient apartment, transient apartment,
1307 bed and breakfast inn, or timeshare project, ~~or vacation rental~~
1308 if the establishment satisfies the following criteria:

1309 (a) *Hotel*.—A hotel is any public lodging establishment
1310 containing sleeping room accommodations for 25 or more guests
1311 and providing the services generally provided by a hotel and
1312 recognized as a hotel in the community in which it is situated
1313 or by the industry.

1314 (b) *Motel*.—A motel is any public lodging establishment
1315 which offers rental units with an exit to the outside of each
1316 rental unit, daily or weekly rates, offstreet parking for each
1317 unit, a central office on the property with specified hours of
1318 operation, a bathroom or connecting bathroom for each rental
1319 unit, and at least six rental units, and which is recognized as
1320 a motel in the community in which it is situated or by the
1321 industry.

1322 (c) ~~*Vacation rental*. A vacation rental is any unit or group~~
1323 ~~of units in a condominium or cooperative or any individually or~~
1324 ~~collectively owned single-family, two-family, three-family, or~~
1325 ~~four-family house or dwelling unit that is also a transient~~
1326 ~~public lodging establishment but that is not a timeshare~~
1327 ~~project.~~

1328 ~~(d)~~ *Nontransient apartment*.—A nontransient apartment is a
1329 building or complex of buildings in which 75 percent or more of
1330 the units are available for rent to nontransient tenants.

1331 (d) ~~(e)~~ *Transient apartment*.—A transient apartment is a
1332 building or complex of buildings in which more than 25 percent
1333 of the units are advertised or held out to the public as
1334 available for transient occupancy.

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1335 (e)~~(f)~~ *Bed and breakfast inn.*—A bed and breakfast inn is a
1336 family home structure, with no more than 15 sleeping rooms,
1337 which has been modified to serve as a transient public lodging
1338 establishment, which provides the accommodation and meal
1339 services generally offered by a bed and breakfast inn, and which
1340 is recognized as a bed and breakfast inn in the community in
1341 which it is situated or by the hospitality industry.

1342 (f)~~(g)~~ *Timeshare project.*—A timeshare project is a
1343 timeshare property, as defined in chapter 721, that is located
1344 in this state and that is also a transient public lodging
1345 establishment.

1346 Section 36. Subsection (1) of section 509.251, Florida
1347 Statutes, is amended to read:

1348 509.251 License fees.—

1349 (1) The division shall adopt, by rule, a schedule of fees
1350 to be paid by each public lodging establishment as a
1351 prerequisite to issuance or renewal of a license. Such fees
1352 shall be based on the number of rental units in the
1353 establishment. The aggregate fee per establishment charged any
1354 public lodging establishment may not exceed \$1,000; however, the
1355 fees described in paragraphs (a) and (b) may not be included as
1356 part of the aggregate fee subject to this cap. ~~Vacation rental~~
1357 ~~units or~~ Timeshare projects within separate buildings or at
1358 separate locations but managed by one licensed agent may be
1359 combined in a single license application, and the division shall
1360 charge a license fee as if all units in the application are in a
1361 single licensed establishment. The fee schedule shall require an
1362 establishment which applies for an initial license to pay the
1363 full license fee if application is made during the annual

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1364 renewal period or more than 6 months before the next such
1365 renewal period and one-half of the fee if application is made 6
1366 months or less before such period. The fee schedule shall
1367 include fees collected for the purpose of funding the
1368 Hospitality Education Program, pursuant to s. 509.302, which are
1369 payable in full for each application regardless of when the
1370 application is submitted.

1371 (a) Upon making initial application or an application for
1372 change of ownership, the applicant shall pay to the division a
1373 fee as prescribed by rule, not to exceed \$50, in addition to any
1374 other fees required by law, which shall cover all costs
1375 associated with initiating regulation of the establishment.

1376 (b) A license renewal filed with the division after the
1377 expiration date shall be accompanied by a delinquent fee as
1378 prescribed by rule, not to exceed \$50, in addition to the
1379 renewal fee and any other fees required by law.

1380 Section 37. Subsection (1) of section 509.281, Florida
1381 Statutes, is amended to read:

1382 509.281 Prosecution for violation; duty of state attorney;
1383 penalties.—

1384 (1) The division or an agent of the division, upon
1385 ascertaining by inspection that any public lodging
1386 establishment, vacation rental, or public food service
1387 establishment is being operated contrary to the provisions of
1388 this chapter, shall make complaint and cause the arrest of the
1389 violator, and the state attorney, upon request of the division
1390 or agent, shall prepare all necessary papers and conduct the
1391 prosecution. The division shall proceed in the courts by
1392 mandamus or injunction whenever such proceedings may be

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1393 necessary to the proper enforcement of the provisions of this
1394 chapter, of the rules adopted pursuant hereto, or of orders of
1395 the division.

1396 Section 38. Paragraph (a) of subsection (2) of section
1397 509.302, Florida Statutes, is amended to read:

1398 509.302 Hospitality Education Program.—

1399 (2)(a) All public lodging establishments, ~~and all~~ public
1400 food service establishments, and vacation rentals licensed under
1401 this chapter shall pay an annual fee of no more than \$10, which
1402 shall be included in the annual license fee and used for the
1403 sole purpose of funding the Hospitality Education Program.

1404 Section 39. Section 509.4005, Florida Statutes, is amended
1405 to read:

1406 509.4005 Applicability of ss. 509.401-509.417.—Sections
1407 509.401-509.417 apply only to guests in transient occupancy in a
1408 public lodging establishment or vacation rental.

1409 Section 40. Subsection (1) of section 509.401, Florida
1410 Statutes, is amended to read:

1411 509.401 Operator's right to lockout.—

1412 (1) If, upon a reasonable determination by an operator of a
1413 public lodging establishment or vacation rental, a guest has
1414 accumulated a large outstanding account at such establishment,
1415 the operator may lock the guest out of the guest's rental unit
1416 for the purpose of requiring the guest to confront the operator
1417 and arrange for payment on the account. Such arrangement must be
1418 in writing, and a copy must be furnished to the guest.

1419 Section 41. Section 509.402, Florida Statutes, is amended
1420 to read:

1421 509.402 Operator's right to recover premises.—If the guest

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1422 of a public lodging establishment or vacation rental vacates the
1423 premises without notice to the operator and the operator
1424 reasonably believes the guest does not intend to satisfy the
1425 outstanding account, the operator may recover the premises. Upon
1426 recovery of the premises, the operator shall make an itemized
1427 inventory of any property belonging to the guest and store such
1428 property until a settlement or a final court judgment is
1429 obtained on the guest's outstanding account. Such inventory
1430 shall be conducted by the operator and at least one other person
1431 who is not an agent of the operator.

1432 Section 42. Subsections (1) and (2) of section 509.405,
1433 Florida Statutes, are amended to read:

1434 509.405 Complaint; requirements.—To obtain an order
1435 authorizing the issuance of a writ of distress upon final
1436 judgment, the operator must first file with the clerk of the
1437 court a complaint reciting and showing the following
1438 information:

1439 (1) A statement as to the amount of the guest's account at
1440 the public lodging establishment or vacation rental.

1441 (2) A statement that the plaintiff is the operator of the
1442 public lodging establishment or vacation rental in which the
1443 guest has an outstanding account. If the operator's interest in
1444 such account is based on written documents, a copy of such
1445 documents shall be attached to the complaint.

1446 Section 43. Section 509.409, Florida Statutes, is amended
1447 to read:

1448 509.409 Writ; inventory.—When the officer seizes
1449 distrainable property, either under s. 509.407 or s. 509.408,
1450 and such property is seized on the premises of a public lodging

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1451 establishment or vacation rental, the officer shall inventory
1452 the property, hold those items which, upon appraisal, would
1453 appear to satisfy the plaintiff's claim, and return the
1454 remaining items to the defendant. If the defendant cannot be
1455 found, the officer shall hold all items of property. The officer
1456 shall release the property only pursuant to law or a court
1457 order.

1458 Section 44. Subsection (2) of section 509.417, Florida
1459 Statutes, is amended to read:

1460 509.417 Writ; sale of property distrained.—

1461 (2) At the time any property levied on is sold, it must be
1462 advertised two times, the first advertisement being at least 10
1463 days before the sale. All property so levied on may be sold on
1464 the premises of the public lodging establishment or the vacation
1465 rental or at the courthouse door.

1466 Section 45. Paragraph (b) of subsection (5) of section
1467 553.5041, Florida Statutes, is amended to read:

1468 553.5041 Parking spaces for persons who have disabilities.—

1469 (5) Accessible perpendicular and diagonal accessible
1470 parking spaces and loading zones must be designed and located to
1471 conform to ss. 502 and 503 of the standards.

1472 (b) If there are multiple entrances or multiple retail
1473 stores, the parking spaces must be dispersed to provide parking
1474 at the nearest accessible entrance. If a theme park or an
1475 entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~
1476 provides parking in several lots or areas from which access to
1477 the theme park or entertainment complex is provided, a single
1478 lot or area may be designated for parking by persons who have
1479 disabilities, if the lot or area is located on the shortest

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1480 accessible route to an accessible entrance to the theme park or
1481 entertainment complex or to transportation to such an accessible
1482 entrance.

1483 Section 46. Section 717.1355, Florida Statutes, is amended
1484 to read:

1485 717.1355 Theme park and entertainment complex tickets.—This
1486 chapter does not apply to any tickets for admission to a theme
1487 park or entertainment complex as defined in s. 509.013 ~~s.~~
1488 ~~509.013(9)~~, or to any tickets to a permanent exhibition or
1489 recreational activity within such theme park or entertainment
1490 complex.

1491 Section 47. Subsection (8) of section 877.24, Florida
1492 Statutes, is amended to read:

1493 877.24 Nonapplication of s. 877.22.—Section 877.22 does not
1494 apply to a minor who is:

1495 (8) Attending an organized event held at and sponsored by a
1496 theme park or entertainment complex as defined in s. 509.013 ~~s.~~
1497 ~~509.013(9)~~.

1498 Section 48. This act shall take effect July 1, 2018.