

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	_____	(Y/N)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

1 Committee/Subcommittee hearing bill: Government Accountability
2 Committee

3 Representative La Rosa offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. The Division of Law Revision and Information is
8 directed to create part III of chapter 509, Florida Statutes,
9 consisting of ss. 509.601-509.609, Florida Statutes, to be
10 entitled "Vacation Rentals."

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

13 509.601 Short title.—This part may be cited as the
14 "Florida Vacation Rental Act."

15 Section 3. Section 509.603, Florida Statutes, is created
16 to read:

Amendment No.

17 509.603 Legislative findings and purpose; preemption of
18 subject matter; intent; duties.—

19 (1) The Legislature finds that:

20 (a) Property owners who choose to use their property as a
21 vacation rental have constitutionally protected property rights
22 and other rights that must be protected, including the right to
23 use their residential property as a vacation rental;

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

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

29 (d) Vacation rentals are residential in nature and, thus,
30 belong in residential neighborhoods.

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

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

37 (4) The division has the authority to carry out this
38 chapter.

39 (5) The division shall adopt rules pursuant to ss.
40 120.536(1) and 120.54 to implement this part.

Amendment No.

41 (6) The Legislature does not intend for the application of
42 this part to supersede any current or future declaration or
43 declaration of condominium enacted pursuant to chapter 718,
44 cooperative documents enacted pursuant to chapter 719, or
45 declaration of covenants or declaration enacted pursuant to
46 chapter 720.

47 (7) If any provision of this part is held invalid, it is
48 the legislative intent that the preemption by this section be no
49 longer applicable to the provision of the part held invalid.

50 Section 4. Section 509.604, Florida Statutes, is created
51 to read:

52 509.604 Licenses required; exceptions.

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

55 (2) LICENSES; ANNUAL RENEWALS.—Each vacation rental shall
56 obtain a license from the division. Such license may not be
57 transferred from one place or individual to another. It shall be
58 a misdemeanor of the second degree, punishable as provided in s.
59 775.082 or s. 775.083, for such a rental to operate without a
60 license. Local law enforcement shall provide immediate
61 assistance in pursuing an illegally operating vacation rental.
62 The division may refuse to issue a license, or a renewal
63 thereof, to any vacation rental of an operator of which, within
64 the preceding 5 years, has been adjudicated guilty of, or has
65 forfeited a bond when charged with, any crime reflecting on

Amendment No.

66 professional character, including soliciting for prostitution,
67 pandering, letting premises for prostitution, keeping a
68 disorderly place, or illegally dealing in controlled substances
69 as defined in chapter 893, whether in this state or in any other
70 jurisdiction within the United States, or has had a license
71 denied, revoked, or suspended pursuant to s. 429.14. Licenses
72 must be renewed annually, and the division shall adopt a rule
73 establishing a staggered schedule for license renewals. If any
74 license expires while administrative charges are pending against
75 the license, the proceedings against the license shall continue
76 to conclusion as if the license were still in effect.

77 (3) APPLICATION FOR LICENSE.—Each person intending to use
78 his or her property as a vacation rental must apply for and
79 receive a license from the division before the commencement of
80 such use. The license application must require the operator's
81 emergency contact telephone number. The division must
82 immediately issue a temporary license upon receipt of such
83 application and such temporary license allows the property to
84 begin use as a vacation rental while the application is pending
85 action. The temporary license expires upon final agency action
86 on the license application.

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

89 Section 5. Section 509.605, Florida Statutes, is created
90 to read:

730015 - HB 773 Strikeall Amendment.docx

Published On: 2/12/2018 6:12:39 PM

Amendment No.

509.605 License fees.-

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

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

Amendment No.

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

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

122 509.6051 Occupancy limits.— Vacation rentals shall have a
123 maximum occupancy limit which cannot exceed the total number of
124 persons calculated by assuming there will be no more than two
125 persons per sleeping room plus an additional four persons. For
126 purposes of this section, the term "persons" only includes
127 individuals 18 years of age or older. Individuals under the age
128 of 18 are not included in the calculation of the maximum
129 occupancy limit.

130 Section 7. Section 509.606, Florida Statutes, is created
131 to read:

132 509.606 Revocation or suspension of licenses; fines;
133 procedure.—

134 (1) Any vacation rental operating in violation of this
135 part or the rules of the division, operating without a license,
136 or operating with a suspended or revoked license may be subject
137 by the division to:

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

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

Amendment No.

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

145 (3) The division shall post a prominent closed-for-
146 operation sign on any vacation rental, the license of which has
147 been suspended or revoked. The division shall also post such
148 sign on any vacation rental judicially or administratively
149 determined to be operating without a license. It is a
150 misdemeanor of the second degree, punishable as provided in s.
151 775.082 or s. 775.083, for any person to deface or remove such
152 closed-for-operation sign or for any vacation rental to open for
153 operation without a license or to open for operation while its
154 license is suspended or revoked. The division may impose
155 administrative sanctions for violations of this section.

156 (4) All funds received by the division as satisfaction for
157 administrative fines must be paid into the State Treasury to the
158 credit of the Hotel and Restaurant Trust Fund and may not
159 subsequently be used for payment to any entity performing
160 required inspections under contract with the division.
161 Administrative fines may be used to support division programs
162 pursuant to s. 509.302(1).

163 (5) (a) A license may not be suspended under this section
164 for a period of more than 12 months. At the end of such period
165 of suspension, the vacation rental may apply for reinstatement

Amendment No.

166 or renewal of the license. A vacation rental, the license of
167 which is revoked, may not apply for another license for that
168 location before the date on which the revoked license would have
169 expired.

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

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

178 (a) Any person with a direct financial interest in the
179 licensed vacation rental, within the preceding 5 years in this
180 state, any other state, or the United States, has been
181 adjudicated guilty of or forfeited a bond when charged with
182 soliciting for prostitution, pandering, letting premises for
183 prostitution, keeping a disorderly place, illegally dealing in
184 controlled substances as defined in chapter 893, or any other
185 crime reflecting on professional character.

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

Amendment No.

190 (c) An advertisement for the vacation rental does not
191 display the vacation rental license number.

192 (7) A person is not entitled to the issuance of a license
193 for any vacation rental except in the discretion of the director
194 when the division has notified the current licensee for such
195 premises that administrative proceedings have been or will be
196 brought against such current licensee for violation of any
197 provision of this chapter or rule of the division.

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

202 (9) The division may refuse to issue or renew the license
203 of any vacation rental until all outstanding fines are paid in
204 full to the division as required by all final orders or other
205 administrative action issued against the licensee by the
206 division.

207 Section 8. Section 509.607, Florida Statutes, is created
208 to read:

209 509.607 Exemptions.—Vacation rentals are exempt from
210 chapter 83 in the same manner as transient rentals. Any person,
211 partnership, corporation, or other legal entity which, for
212 another and for compensation or other valuable consideration,
213 rents or advertises for rent a vacation rental licensed under
214 chapter 509 is exempt from chapter 475.

Amendment No.

215 Section 9. Section 509.608, Florida Statutes, is created
216 to read:

217 509.608 Inspection of premises.-

218 (1) Inspection of vacation rentals is preempted to the
219 state, and the division has jurisdiction and is solely
220 responsible for all inspections. The division is solely
221 responsible for quality assurance.

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

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

228 (4) Vacation rentals must be made available to the
229 division for inspection upon request. If, during the inspection
230 of a vacation rental, an inspector identifies vulnerable adults
231 who appear to be victims of neglect, as defined in s. 415.102,
232 or, in the case of a building that is not equipped with
233 automatic sprinkler systems, tenants or clients who may be
234 unable to self-preserve in an emergency, the division shall
235 convene meetings with the following agencies as appropriate to
236 the individual situation: the Department of Health, the
237 Department of Elderly Affairs, the area agency on aging, the
238 local fire marshal, the landlord and affected tenants and
239 clients, and other relevant organizations, to develop a plan

Amendment No.

240 that improves the prospects for safety of affected residents
241 and, if necessary, identifies alternative living arrangements,
242 such as facilities licensed under part II of chapter 400 or
243 under chapter 429.

244 (5) The division shall inspect vacation rentals whenever
245 necessary to respond to an emergency or epidemiological
246 condition.

247 Section 10. Section 509.609, Florida Statutes, is created
248 to read:

249 509.609 Multiple unit vacation rental operators,
250 additional requirements.-

251 (1) When 5 or more vacation rentals in multifamily
252 dwelling are under common ownership and any such vacation
253 rental is rented out more than 180 days per year, such vacation
254 rental is subject to the additional requirements of this
255 section.

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

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

263 (b) When applying for a license renewal, all vacation
264 rentals subject to this section which were rented out more than

Amendment No.

265 180 days during the previous licensure period or which are
266 intended to be rented out more than 180 days during the term of
267 the license are subject to the same inspection requirements as
268 public lodging establishments under s. 509.032(2).

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

272 (4) Each year, the division must audit at least 1 percent
273 of operators who are subject to this section to ensure
274 compliance. During an audit, the division must request from the
275 vacation rental operator the register required under s.
276 509.101(2) to ascertain the number of nights rented.

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

278 Section 11. Section 509.013, Florida Statutes, is
279 reordered and amended to read:

280 509.013 Definitions.—As used in this chapter, the term:

281 (2)(1) "Division" means the Division of Hotels and
282 Restaurants of the Department of Business and Professional
283 Regulation.

284 (7)(2) "Operator" means the owner, licensee, proprietor,
285 lessee, manager, assistant manager, or appointed agent of a
286 public lodging establishment, vacation rental, or public food
287 service establishment.

Amendment No.

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

291 ~~(9)~~(4)(a) "Public lodging establishment" includes a
292 transient public lodging establishment as defined in
293 subparagraph 1. and a nontransient public lodging establishment
294 as defined in subparagraph 2.

295 1. "Transient public lodging establishment" means any
296 unit, group of units, dwelling, building, or group of buildings
297 within a single complex of buildings which is rented to guests
298 more than three times in a calendar year for periods of less
299 than 30 days or 1 calendar month, whichever is less, or which is
300 advertised or held out to the public as a place regularly rented
301 to guests.

302 2. "Nontransient public lodging establishment" means any
303 unit, group of units, dwelling, building, or group of buildings
304 within a single complex of buildings which is rented to guests
305 for periods of at least 30 days or 1 calendar month, whichever
306 is less, or which is advertised or held out to the public as a
307 place regularly rented to guests for periods of at least 30 days
308 or 1 calendar month.

309
310 License classifications of public lodging establishments, and
311 the definitions therefor, are set out in s. 509.242. For the

Amendment No.

312 purpose of licensure, the term does not include condominium
313 common elements as defined in s. 718.103.

314 (b) The following are excluded from the definitions in
315 paragraph (a):

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

319 2. Any facility certified or licensed and regulated by the
320 Agency for Health Care Administration or the Department of
321 Children and Families or other similar place regulated under s.
322 381.0072.

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

326 4. Any unit or group of units in a condominium,
327 cooperative, or timeshare plan and any individually or
328 collectively owned one-family, two-family, three-family, or
329 four-family dwelling house or dwelling unit that is rented for
330 periods of at least 30 days or 1 calendar month, whichever is
331 less, and that is not advertised or held out to the public as a
332 place regularly rented for periods of less than 1 calendar
333 month, provided that no more than four rental units within a
334 single complex of buildings are available for rent.

Amendment No.

335 5. Any migrant labor camp or residential migrant housing
336 permitted by the Department of Health under ss. 381.008-
337 381.00895.

338 6. Any establishment inspected by the Department of Health
339 and regulated by chapter 513.

340 7. Any nonprofit organization that operates a facility
341 providing housing only to patients, patients' families, and
342 patients' caregivers and not to the general public.

343 8. Any apartment building inspected by the United States
344 Department of Housing and Urban Development or other entity
345 acting on the department's behalf that is designated primarily
346 as housing for persons at least 62 years of age. The division
347 may require the operator of the apartment building to attest in
348 writing that such building meets the criteria provided in this
349 subparagraph. The division may adopt rules to implement this
350 requirement.

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

355 10. Any vacation rental.

356 (8)-(5)(a) "Public food service establishment" means any
357 building, vehicle, place, or structure, or any room or division
358 in a building, vehicle, place, or structure where food is
359 prepared, served, or sold for immediate consumption on or in the

Amendment No.

360 vicinity of the premises; called for or taken out by customers;
361 or prepared before ~~prior to~~ being delivered to another location
362 for consumption. The term includes a culinary education program,
363 as defined in s. 381.0072(2), which offers, prepares, serves, or
364 sells food to the general public, regardless of whether it is
365 inspected by another state agency for compliance with sanitation
366 standards.

367 (b) The following are excluded from the definition in
368 paragraph (a):

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

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

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

374 2. Any eating place maintained and operated by a church or
375 a religious, nonprofit fraternal, or nonprofit civic
376 organization:

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

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

380

381 Upon request by the division, a church or a religious, nonprofit
382 fraternal, or nonprofit civic organization claiming an exclusion
383 under this subparagraph must provide the division documentation

Amendment No.

384 of its status as a church or a religious, nonprofit fraternal,
385 or nonprofit civic organization.

386 3. Any eating place maintained and operated by an
387 individual or entity at a food contest, cook-off, or a temporary
388 event lasting from 1 to 3 days which is hosted by a church or a
389 religious, nonprofit fraternal, or nonprofit civic organization.
390 Upon request by the division, the event host must provide the
391 division documentation of its status as a church or a religious,
392 nonprofit fraternal, or nonprofit civic organization.

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

395 5. Any eating place maintained by a facility certified or
396 licensed and regulated by the Agency for Health Care
397 Administration or the Department of Children and Families or
398 other similar place that is regulated under s. 381.0072.

399 6. Any place of business issued a permit or inspected by
400 the Department of Agriculture and Consumer Services under s.
401 500.12.

402 7. Any place of business where the food available for
403 consumption is limited to ice, beverages with or without
404 garnishment, popcorn, or prepackaged items sold without
405 additions or preparation.

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

730015 - HB 773 Strikeall Amendment.docx

Published On: 2/12/2018 6:12:39 PM

Amendment No.

409 9. Any vending machine that dispenses any food or
410 beverages other than potentially hazardous foods, as defined by
411 division rule.

412 10. Any vending machine that dispenses potentially
413 hazardous food and which is located in a facility regulated
414 under s. 381.0072.

415 11. Any research and development test kitchen limited to
416 the use of employees and which is not open to the general
417 public.

418 ~~(1)(6)~~ "Director" means the Director of the Division of
419 Hotels and Restaurants of the Department of Business and
420 Professional Regulation.

421 ~~(10)(7)~~ "Single complex of buildings" means all buildings
422 or structures that are owned, managed, controlled, or operated
423 under one business name and are situated on the same tract or
424 plot of land that is not separated by a public street or
425 highway.

426 ~~(11)(8)~~ "Temporary food service event" means any event of
427 30 days or less in duration where food is prepared, served, or
428 sold to the general public.

429 ~~(12)(9)~~ "Theme park or entertainment complex" means a
430 complex consisting ~~comprised~~ of at least 25 contiguous acres
431 owned and controlled by the same business entity and which
432 contains permanent exhibitions and a variety of recreational
433 activities and has a minimum of 1 million visitors annually.

730015 - HB 773 Strikeall Amendment.docx

Published On: 2/12/2018 6:12:39 PM

Amendment No.

434 ~~(13)-(10)~~ "Third-party provider" means, for purposes of s.
435 509.049, any provider of an approved food safety training
436 program that provides training or such a training program to a
437 public food service establishment that is not under common
438 ownership or control with the provider.

439 ~~(15)-(11)~~ "Transient establishment" means any public
440 lodging establishment that is rented or leased to guests by an
441 operator whose intention is that such guests' occupancy will be
442 temporary.

443 ~~(16)-(12)~~ "Transient occupancy" means occupancy when it is
444 the intention of the parties that the occupancy will be
445 temporary. There is a rebuttable presumption that, when the
446 dwelling unit occupied is not the sole residence of the guest,
447 the occupancy is transient.

448 ~~(14)-(13)~~ "Transient" means a guest in transient occupancy.

449 ~~(5)-(14)~~ "Nontransient establishment" means any public
450 lodging establishment that is rented or leased to guests by an
451 operator whose intention is that the dwelling unit occupied will
452 be the sole residence of the guest.

453 ~~(6)-(15)~~ "Nontransient occupancy" means any occupancy in
454 which ~~when~~ it is the intention of the parties that such ~~the~~
455 occupancy will not be temporary. There is a rebuttable
456 presumption that, when the dwelling unit occupied is the sole
457 residence of the guest, the occupancy is nontransient.

Amendment No.

458 ~~(4)-(16)~~ "Nontransient" means a guest in nontransient
459 occupancy.

460 (17) "Vacation rental" means any unit or group of units in
461 a condominium or cooperative or any individually or collectively
462 owned single-family, two-family, three-family, or four-family
463 house or dwelling that is rented to guests more than three times
464 in a calendar year for periods of less than 30 days or 1
465 calendar month, whichever is less, but that is not a timeshare
466 project.

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

470 509.032 Duties.—

471 (2) INSPECTION OF PREMISES.—

472 (a) The division has jurisdiction and is responsible for
473 all inspections required by this chapter. The inspection of
474 vacation rentals shall be done in accordance with part III of
475 this chapter. The division is responsible for quality assurance.
476 The division shall inspect each licensed public lodging
477 establishment at least biannually, except for transient and
478 nontransient apartments, which shall be inspected at least
479 annually. Each establishment licensed by the division shall be
480 inspected at such other times as the division determines is
481 necessary to ensure the public's health, safety, and welfare.
482 The division shall adopt by rule a risk-based inspection

Amendment No.

483 frequency for each licensed public food service establishment.
484 The rule must require at least one, but not more than four,
485 routine inspections that must be performed annually, and may
486 include guidelines that consider the inspection and compliance
487 history of a public food service establishment, the type of food
488 and food preparation, and the type of service. The division
489 shall reassess the inspection frequency of all licensed public
490 food service establishments at least annually. Public lodging
491 units classified as ~~vacation rentals~~ or timeshare projects are
492 not subject to this requirement but shall be made available to
493 the division upon request. If, during the inspection of a public
494 lodging establishment classified for renting to transient or
495 nontransient tenants, an inspector identifies vulnerable adults
496 who appear to be victims of neglect, as defined in s. 415.102,
497 or, in the case of a building that is not equipped with
498 automatic sprinkler systems, tenants or clients who may be
499 unable to self-preserve in an emergency, the division shall
500 convene meetings with the following agencies as appropriate to
501 the individual situation: the Department of Health, the
502 Department of Elderly Affairs, the area agency on aging, the
503 local fire marshal, the landlord and affected tenants and
504 clients, and other relevant organizations, to develop a plan
505 that improves the prospects for safety of affected residents
506 and, if necessary, identifies alternative living arrangements

Amendment No.

507 such as facilities licensed under part II of chapter 400 or
508 under chapter 429.

509 (d) The division shall adopt and enforce sanitation rules
510 consistent with law to ensure the protection of the public from
511 food-borne illness in those establishments licensed under this
512 chapter. These rules shall provide the standards and
513 requirements for obtaining, storing, preparing, processing,
514 serving, or displaying food in public food service
515 establishments, approving public food service establishment
516 facility plans, conducting necessary public food service
517 establishment inspections for compliance with sanitation
518 regulations, cooperating and coordinating with the Department of
519 Health in epidemiological investigations, and initiating
520 enforcement actions, and for other such responsibilities deemed
521 necessary by the division. The division may not establish by
522 rule any regulation governing the design, construction,
523 erection, alteration, modification, repair, or demolition of any
524 public lodging or public food service establishment. It is the
525 intent of the Legislature to preempt that function to the
526 Florida Building Commission and the State Fire Marshal through
527 adoption and maintenance of the Florida Building Code and the
528 Florida Fire Prevention Code. The division shall provide
529 technical assistance to the commission in updating the
530 construction standards of the Florida Building Code which govern
531 public lodging and public food service establishments. Further,

730015 - HB 773 Strikeall Amendment.docx

Published On: 2/12/2018 6:12:39 PM

Amendment No.

532 the division shall enforce the provisions of the Florida
533 Building Code which apply to public lodging and public food
534 service establishments in conducting any inspections authorized
535 by this part. The division, or its agent, shall notify the local
536 firesafety authority or the State Fire Marshal of any readily
537 observable violation of a rule adopted under chapter 633 which
538 relates to public lodging establishments, vacation rental, or
539 public food establishments, and the identification of such
540 violation does not require any firesafety inspection
541 certification.

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

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

547 1. Sponsors of temporary food service events shall notify
548 the division not less than 3 days before the scheduled event of
549 the type of food service proposed, the time and location of the
550 event, a complete list of food service vendors participating in
551 the event, the number of individual food service facilities each
552 vendor will operate at the event, and the identification number
553 of each food service vendor's current license as a public food
554 service establishment or temporary food service event licensee.
555 Notification may be completed orally, by telephone, in person,
556 or in writing. A public food service establishment or food

Amendment No.

557 service vendor may not use this notification process to
558 circumvent the license requirements of this chapter.

559 2. The division shall keep a record of all notifications
560 received for proposed temporary food service events and shall
561 provide appropriate educational materials to the event sponsors
562 and notify the event sponsors of the availability of the food-
563 recovery brochure developed under s. 595.420.

564 3.a. Unless excluded under s. 509.013(8)(b) ~~s.~~
565 ~~509.013(5)(b)~~, a public food service establishment or other food
566 service vendor must obtain one of the following classes of
567 license from the division: an individual license, for a fee of
568 no more than \$105, for each temporary food service event in
569 which it participates; or an annual license, for a fee of no
570 more than \$1,000, that entitles the licensee to participate in
571 an unlimited number of food service events during the license
572 period. The division shall establish license fees, by rule, and
573 may limit the number of food service facilities a licensee may
574 operate at a particular temporary food service event under a
575 single license.

576 b. Public food service establishments holding current
577 licenses from the division may operate under the regulations of
578 such a license at temporary food service events.

579 (5) REPORTS REQUIRED.—The division shall submit annually
580 to the Governor, the President of the Senate, the Speaker of the
581 House of Representatives, and the chairs of the legislative

Amendment No.

582 appropriations committees a report, which shall state, but need
583 not be limited to, the total number of active public lodging and
584 public food service licenses in the state, the total number of
585 inspections of these establishments conducted by the division to
586 ensure the enforcement of sanitary standards, the total number
587 of inspections conducted in response to emergency or
588 epidemiological conditions, the number of violations of each
589 sanitary standard, the total number of inspections conducted to
590 meet the statutorily required number of inspections, and any
591 recommendations for improved inspection procedures. The division
592 shall also keep accurate account of all expenses arising out of
593 the performance of its duties and all fees collected under this
594 chapter. The report shall be submitted by September 30 following
595 the end of the fiscal year. This report must also include
596 vacation rentals, as applicable.

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

598 (a) The regulation of public lodging establishments and
599 public food service establishments, including, but not limited
600 to, sanitation standards, inspections, training and testing of
601 personnel, and matters related to the nutritional content and
602 marketing of foods offered in such establishments, is preempted
603 to the state. This paragraph does not preempt the authority of a
604 local government or local enforcement district to conduct
605 inspections of public lodging and public food service
606 establishments for compliance with the Florida Building Code and

Amendment No.

607 the Florida Fire Prevention Code, pursuant to ss. 553.80 and
608 633.206.

609 (b)1. A local government may regulate activities that
610 arise when a property is used as a vacation rental only when
611 such regulation applies uniformly to all residential properties
612 without regard to whether the property is used as a vacation
613 rental or as a long-term rental subject to part II of chapter 83
614 or whether a property owner chooses not to rent the property.
615 Such regulation also may not prohibit vacation rentals or
616 regulate the duration or frequency of a rental. This
617 subparagraph does not apply to any local law, ordinance, or
618 regulation adopted on or before June 1, 2011, including when
619 such local law, ordinance, or regulation is being amended to be
620 less restrictive.

621 2. The division shall make the vacation rental license
622 information required under this chapter, including the
623 operator's emergency contact information, available to the
624 public and local governments. Local governments may use this
625 license information for informational purposes only. ~~A local~~
626 law, ordinance, or regulation may not prohibit vacation rentals
627 or regulate the duration or frequency of rental of vacation
628 rentals. This paragraph does not apply to any local law,
629 ordinance, or regulation adopted on or before June 1, 2011.

630 (c) Subparagraph (b)1. Paragraph (b) does not apply to any
631 local law, ordinance, or regulation exclusively relating to

Amendment No.

632 property valuation as a criterion for vacation rental if the
633 local law, ordinance, or regulation is required to be approved
634 by the state land planning agency pursuant to an area of
635 critical state concern designation.

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

638 159.27 Definitions.—The following words and terms, unless
639 the context clearly indicates a different meaning, shall have
640 the following meanings:

641 (12) "Public lodging or restaurant facility" means
642 property used for any public lodging establishment as defined in
643 s. 509.242 or public food service establishment as defined in s.
644 509.013 ~~s. 509.013(5)~~ if it is part of the complex of, or
645 necessary to, another facility qualifying under this part.

646 Section 14. Paragraph (jj) of subsection (7) of section
647 212.08, Florida Statutes, is amended to read:

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

654 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
655 entity by this chapter do not inure to any transaction that is
656 otherwise taxable under this chapter when payment is made by a

Amendment No.

657 representative or employee of the entity by any means,
658 including, but not limited to, cash, check, or credit card, even
659 when that representative or employee is subsequently reimbursed
660 by the entity. In addition, exemptions provided to any entity by
661 this subsection do not inure to any transaction that is
662 otherwise taxable under this chapter unless the entity has
663 obtained a sales tax exemption certificate from the department
664 or the entity obtains or provides other documentation as
665 required by the department. Eligible purchases or leases made
666 with such a certificate must be in strict compliance with this
667 subsection and departmental rules, and any person who makes an
668 exempt purchase with a certificate that is not in strict
669 compliance with this subsection and the rules is liable for and
670 shall pay the tax. The department may adopt rules to administer
671 this subsection.

672 (jj) *Complimentary meals.*—Also exempt from the tax imposed
673 by this chapter are food or drinks that are furnished as part of
674 a packaged room rate by any person offering for rent or lease
675 any transient living accommodations as described in s.
676 509.013(9)(a) ~~s. 509.013(4)(a)~~ which are licensed under part I
677 of chapter 509 and which are subject to the tax under s. 212.03,
678 if a separate charge or specific amount for the food or drinks
679 is not shown. Such food or drinks are considered to be sold at
680 retail as part of the total charge for the transient living
681 accommodations. Moreover, the person offering the accommodations

Amendment No.

682 is not considered to be the consumer of items purchased in
683 furnishing such food or drinks and may purchase those items
684 under conditions of a sale for resale.

685

686 Section 15. Paragraph (b) of subsection (4) of section
687 316.1955, Florida Statutes, is amended to read:

688 316.1955 Enforcement of parking requirements for persons
689 who have disabilities.-

690 (4)

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

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

700 404.056 Environmental radiation standards and projects;
701 certification of persons performing measurement or mitigation
702 services; mandatory testing; notification on real estate
703 documents; rules.-

704 (5) NOTIFICATION ON REAL ESTATE DOCUMENTS.-Notification
705 shall be provided on at least one document, form, or application
706 executed at the time of, or prior to, contract for sale and

Amendment No.

707 purchase of any building or execution of a rental agreement for
708 any building. Such notification shall contain the following
709 language:

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

718
719 The requirements of this subsection do not apply to any
720 residential transient occupancy, as described in s. 509.013(16)
721 ~~s. 509.013(12)~~, provided that such occupancy is 45 days or less
722 in duration.

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

725 477.0135 Exemptions.—

726 (6) A license is not required of any individual providing
727 makeup or special effects services in a theme park or
728 entertainment complex to an actor, stunt person, musician,
729 extra, or other talent, or providing makeup or special effects
730 services to the general public. The term "theme park or

Amendment No.

731 entertainment complex" has the same meaning as in s. 509.013 ~~s.~~
732 ~~509.013(9)~~.

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

735 509.072 Hotel and Restaurant Trust Fund; collection and
736 disposition of moneys received.—

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

747 Section 19. Section 509.091, Florida Statutes, is amended
748 to read:

749 509.091 Notices; form and service.—

750 (1) Each notice served by the division pursuant to this
751 chapter must be in writing and must be delivered personally by
752 an agent of the division or by registered letter to the operator
753 of the public lodging establishment, vacation rental, or public
754 food service establishment. If the operator refuses to accept
755 service or evades service or the agent is otherwise unable to

Amendment No.

756 effect service after due diligence, the division may post such
757 notice in a conspicuous place at the establishment.

758 (2) Notwithstanding subsection (1), the division may
759 deliver lodging inspection reports and food service inspection
760 reports to the operator of the public lodging establishment,
761 vacation rental, or public food service establishment by
762 electronic means.

763 Section 20. Section 509.092, Florida Statutes, is amended
764 to read:

765 509.092 Public lodging establishments, vacation rentals,
766 and public food service establishments; rights as private
767 enterprises.—Public lodging establishments, vacation rentals,
768 and public food service establishments are private enterprises,
769 and the operator has the right to refuse accommodations or
770 service to any person who is objectionable or undesirable to the
771 operator, but such refusal may not be based upon race, creed,
772 color, sex, pregnancy, physical disability, or national origin.
773 A person aggrieved by a violation of this section or a violation
774 of a rule adopted under this section has a right of action
775 pursuant to s. 760.11.

776 Section 21. Section 509.095, Florida Statutes, is amended
777 to read:

778 509.095 Accommodations at public lodging establishments or
779 vacation rentals for individuals with a valid military
780 identification card.—Upon the presentation of a valid military

Amendment No.

781 identification card by an individual who is currently on active
782 duty as a member of the United States Armed Forces, National
783 Guard, Reserve Forces, or Coast Guard, and who seeks to obtain
784 accommodations at a hotel, motel, or bed and breakfast inn, as
785 defined in s. 509.242, or vacation rental, such hotel, motel, or
786 bed and breakfast inn, or vacation rental shall waive any
787 minimum age policy that it may have which restricts
788 accommodations to individuals based on age. Duplication of a
789 military identification card presented pursuant to this section
790 is prohibited.

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

793 509.101 Establishment rules; posting of notice; food
794 service inspection report; maintenance of guest register; mobile
795 food dispensing vehicle registry.-

796 (1) Any operator of a public lodging establishment, or
797 vacation rental, or a public food service establishment may
798 establish reasonable rules and regulations for the management of
799 the establishment and its guests and employees; and each guest
800 or employee staying, sojourning, eating, or employed in the
801 establishment shall conform to and abide by such rules and
802 regulations so long as the guest or employee remains in or at
803 the establishment. Such rules and regulations shall be deemed to
804 be a special contract between the operator and each guest or
805 employee using the services or facilities of the operator. Such

Amendment No.

806 rules and regulations shall control the liabilities,
807 responsibilities, and obligations of all parties. Any rules or
808 regulations established pursuant to this section shall be
809 printed in the English language and posted in a prominent place
810 within such public lodging establishment, vacation rental, or
811 public food service establishment. In addition, any operator of
812 a public food service establishment shall maintain a copy of the
813 latest food service inspection report and shall make it
814 available to the division at the time of any division inspection
815 of the establishment and to the public, upon request.

816 (2) It is the duty of each operator of a transient
817 establishment or vacation rental to maintain at all times a
818 register of, ~~signed by or for~~ guests who occupy rental units
819 within the establishment, showing the dates upon which the
820 rental units were occupied by such guests and the rates charged
821 for their occupancy. This register shall be maintained in
822 chronological order and available for inspection by the division
823 at any time. Operators need not make available registers which
824 are more than 2 years old.

825 Section 23. Section 509.111, Florida Statutes, is
826 amended to read:

827 509.111 Liability for property of guests.—

828 (1) The operator of a public lodging establishment or
829 vacation rental is not under any obligation to accept for
830 safekeeping any moneys, securities, jewelry, or precious stones

Amendment No.

831 of any kind belonging to any guest, and, if such are accepted
832 for safekeeping, the operator is not liable for the loss thereof
833 unless such loss was the proximate result of fault or negligence
834 of the operator. However, the liability of the operator shall be
835 limited to \$1,000 for such loss, if the public lodging
836 establishment or vacation rental gave a receipt for the property
837 (stating the value) on a form which stated, in type large enough
838 to be clearly noticeable, that the public lodging establishment
839 or vacation rental was not liable for any loss exceeding \$1,000
840 and was only liable for that amount if the loss was the
841 proximate result of fault or negligence of the operator.

842 (2) The operator of a public lodging establishment or
843 vacation rental is not liable or responsible to any guest for
844 the loss of wearing apparel, goods, or other property, except as
845 provided in subsection (1), unless such loss occurred as the
846 proximate result of fault or negligence of such operator, and,
847 in case of fault or negligence, the operator is not liable for a
848 greater sum than \$500, unless the guest, before ~~prior to~~ the
849 loss or damage, files with the operator an inventory of the
850 guest's effects and the value thereof and the operator is given
851 the opportunity to inspect such effects and check them against
852 such inventory. The operator of a public lodging establishment
853 or vacation rental is not liable or responsible to any guest for
854 the loss of effects listed in such inventory in a total amount
855 exceeding \$1,000.

730015 - HB 773 Strikeall Amendment.docx

Published On: 2/12/2018 6:12:39 PM

Amendment No.

856 Section 24. Section 509.141, Florida Statutes, is
857 amended to read:
858 509.141 Refusal of admission and ejection of undesirable
859 guests; notice; procedure; penalties for refusal to leave.—
860 (1) The operator of any public lodging establishment,
861 vacation rental, or public food service establishment may remove
862 or cause to be removed from such establishment, in the manner
863 hereinafter provided, any guest of the establishment who, while
864 on the premises of the establishment, illegally possesses or
865 deals in controlled substances as defined in chapter 893 or is
866 intoxicated, profane, lewd, or brawling; who indulges in any
867 language or conduct which disturbs the peace and comfort of
868 other guests or which injures the reputation, dignity, or
869 standing of the establishment; who, in the case of a public
870 lodging establishment or vacation rental, fails to make payment
871 of rent at the agreed-upon rental rate by the agreed-upon
872 checkout time; who, in the case of a public lodging
873 establishment or vacation rental, fails to check out by the time
874 agreed upon in writing by the guest and public lodging
875 establishment or vacation rental at check-in unless an extension
876 of time is agreed to by the public lodging establishment or
877 vacation rental and guest before ~~prior to~~ checkout; who, in the
878 case of a public food service establishment, fails to make
879 payment for food, beverages, or services; or who, in the opinion
880 of the operator, is a person the continued entertainment of whom

730015 - HB 773 Strikeall Amendment.docx

Published On: 2/12/2018 6:12:39 PM

Amendment No.

881 would be detrimental to such establishment. The admission to, or
882 the removal from, such establishment may ~~shall~~ not be based upon
883 race, creed, color, sex, physical disability, or national
884 origin.

885 (2) The operator of any public lodging establishment,
886 vacation rental, or public food service establishment shall
887 notify such guest that the establishment no longer desires to
888 entertain the guest and shall request that such guest
889 immediately depart from the establishment. Such notice may be
890 given orally or in writing. If the notice is in writing, it
891 shall be as follows:

892
893 "You are hereby notified that this establishment no longer
894 desires to entertain you as its guest, and you are requested to
895 leave at once. To remain after receipt of this notice is a
896 misdemeanor under the laws of this state."

897
898 If such guest has paid in advance, the establishment shall, at
899 the time such notice is given, tender to such guest the unused
900 portion of the advance payment; however, the establishment may
901 withhold payment for each full day that the guest has been
902 entertained at the establishment for any portion of the 24-hour
903 period of such day.

904 (3) Any guest who remains or attempts to remain in any
905 such establishment after being requested to leave commits ~~is~~

Amendment No.

906 ~~guilty of~~ a misdemeanor of the second degree, punishable as
907 provided in s. 775.082 or s. 775.083.

908 (4) If any person is illegally on the premises of any
909 public lodging establishment, vacation rental, or public food
910 service establishment, the operator of such establishment may
911 call upon any law enforcement officer of this state for
912 assistance. It is the duty of such law enforcement officer, upon
913 the request of such operator, to place under arrest and take
914 into custody for violation of this section any guest who
915 violates subsection (3) in the presence of the officer. If a
916 warrant has been issued by the proper judicial officer for the
917 arrest of any violator of subsection (3), the officer shall
918 serve the warrant, arrest the person, and take the person into
919 custody. Upon arrest, with or without warrant, the guest will be
920 deemed to have given up any right to occupancy or to have
921 abandoned such right of occupancy of the premises, and the
922 operator of the establishment may then make such premises
923 available to other guests. However, the operator of the
924 establishment shall employ all reasonable and proper means to
925 care for any personal property which may be left on the premises
926 by such guest and shall refund any unused portion of moneys paid
927 by such guest for the occupancy of such premises.

928 Section 25. Section 509.142, Florida Statutes, is amended
929 to read:

Amendment No.

930 509.142 Conduct on premises; refusal of service.—The
931 operator of a public lodging establishment, vacation rental, or
932 public food service establishment may refuse accommodations or
933 service to any person whose conduct on the premises of the
934 establishment displays intoxication, profanity, lewdness, or
935 brawling; who indulges in language or conduct such as to disturb
936 the peace or comfort of other guests; who engages in illegal or
937 disorderly conduct; who illegally possesses or deals in
938 controlled substances as defined in chapter 893; or whose
939 conduct constitutes a nuisance. Such refusal may not be based
940 upon race, creed, color, sex, physical disability, or national
941 origin.

942 Section 26. Section 509.144, Florida Statutes, is
943 amended to read:

944 509.144 Prohibited handbill distribution in a public
945 lodging establishment or vacation rental; penalties.—

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

947 (a) "Handbill" means a flier, leaflet, pamphlet, or other
948 written material that advertises, promotes, or informs persons
949 about a person, business, company, or food service establishment
950 but does not include employee communications permissible under
951 the National Labor Relations Act, other communications protected
952 by the First Amendment to the United States Constitution, or
953 communications about public health, safety, or welfare

Amendment No.

954 distributed by a federal, state, or local governmental entity or
955 a public or private utility.

956 (b) "Without permission" means without the expressed
957 written permission of the owner, manager, or agent of the owner
958 or manager of the public lodging establishment or vacation
959 rental where a sign is posted prohibiting advertising or
960 solicitation in the manner provided in subsection (5).

961 (c) "At or in a public lodging establishment or vacation
962 rental" means any property under the sole ownership or control
963 of a public lodging establishment or vacation rental.

964 (2) Any person, agent, contractor, or volunteer who is
965 acting on behalf of a person, business, company, or food service
966 establishment and who, without permission, delivers,
967 distributes, or places, or attempts to deliver, distribute, or
968 place, a handbill at or in a public lodging establishment or
969 vacation rental commits a misdemeanor of the first degree,
970 punishable as provided in s. 775.082 or s. 775.083.

971 (3) Any person who, without permission, directs another
972 person to deliver, distribute, or place, or attempts to deliver,
973 distribute, or place, a handbill at or in a public lodging
974 establishment or vacation rental commits a misdemeanor of the
975 first degree, punishable as provided in s. 775.082 or s.
976 775.083. Any person sentenced under this subsection shall be
977 ordered to pay a minimum fine of \$500 in addition to any other
978 penalty imposed by the court.

730015 - HB 773 Strikeall Amendment.docx

Published On: 2/12/2018 6:12:39 PM

Amendment No.

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

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

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

985 (5) For purposes of this section, a public lodging
986 establishment or vacation rental that intends to prohibit
987 advertising or solicitation, as described in this section, at or
988 in such establishment must comply with the following
989 requirements when posting a sign prohibiting such solicitation
990 or advertising:

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

995 (b) The sign must be posted conspicuously.

996 (c) If the main office of a ~~the~~ public lodging
997 establishment is immediately accessible by entering the office
998 through a door from a street, parking lot, grounds, or other
999 area outside such establishment, the sign must be placed on a
1000 part of the main office, such as a door or window, and the sign
1001 must face the street, parking lot, grounds, or other area
1002 outside such establishment.

Amendment No.

1003 (d) If the main office of a ~~the~~ public lodging
1004 establishment is not immediately accessible by entering the
1005 office through a door from a street, parking lot, grounds, or
1006 other area outside such establishment, the sign must be placed
1007 in the immediate vicinity of the main entrance to such
1008 establishment, and the sign must face the street, parking lot,
1009 grounds, or other area outside such establishment.

1010 (6) Any personal property, including, but not limited to,
1011 any vehicle, item, object, tool, device, weapon, machine, money,
1012 security, book, or record, that is used or attempted to be used
1013 as an instrumentality in the commission of, or in aiding and
1014 abetting in the commission of, a person's third or subsequent
1015 violation of this section, whether or not comprising an element
1016 of the offense, is subject to seizure and forfeiture under the
1017 Florida Contraband Forfeiture Act.

1018 Section 27. Subsections (1), (2), and (3) of section
1019 509.162, Florida Statutes, are amended to read:

1020 509.162 Theft of personal property; detaining and arrest
1021 of violator; theft by employee.—

1022 (1) Any law enforcement officer or operator of a public
1023 lodging establishment, vacation rental, or public food service
1024 establishment who has probable cause to believe that theft of
1025 personal property belonging to such establishment has been
1026 committed by a person and that the officer or operator can
1027 recover such property or the reasonable value thereof by taking

Amendment No.

1028 the person into custody may, for the purpose of attempting to
1029 effect such recovery or for prosecution, take such person into
1030 custody on the premises and detain such person in a reasonable
1031 manner and for a reasonable period of time. If the operator
1032 takes the person into custody, a law enforcement officer shall
1033 be called to the scene immediately. The taking into custody and
1034 detention by a law enforcement officer or operator of a public
1035 lodging establishment, vacation rental, or public food service
1036 establishment, if done in compliance with this subsection, does
1037 not render such law enforcement officer or operator criminally
1038 or civilly liable for false arrest, false imprisonment, or
1039 unlawful detention.

1040 (2) Any law enforcement officer may arrest, either on or
1041 off the premises and without warrant, any person if there is
1042 probable cause to believe that person has committed theft in a
1043 public lodging establishment, vacation rental, or in a public
1044 food service establishment.

1045 (3) Any person who resists the reasonable effort of a law
1046 enforcement officer or operator of a public lodging
1047 establishment, vacation rental, or public food service
1048 establishment to recover property which the law enforcement
1049 officer or operator had probable cause to believe had been
1050 stolen from the public lodging establishment, vacation rental,
1051 or public food service establishment, and who is subsequently
1052 found to be guilty of theft of the subject property, is guilty

Amendment No.

1053 of a misdemeanor of the first degree, punishable as provided in
1054 s. 775.082 or s. 775.083, unless such person did not know, or
1055 did not have reason to know, that the person seeking to recover
1056 the property was a law enforcement officer or the operator. For
1057 purposes of this section, the charge of theft and the charge of
1058 resisting apprehension may be tried concurrently.

1059 Section 28. Section 509.191, Florida Statutes, is amended
1060 to read:

1061 509.191 Unclaimed property.—Any property with an
1062 identifiable owner which is left in a public lodging
1063 establishment, vacation rental, or public food service
1064 establishment, other than property belonging to a guest who has
1065 vacated the premises without notice to the operator and with an
1066 outstanding account, which property remains unclaimed after
1067 being held by the establishment for 30 days after written notice
1068 to the guest or owner of the property, shall become the property
1069 of the establishment. Property without an identifiable owner
1070 which is found in a public lodging establishment, vacation
1071 rental, or public food service establishment is subject to the
1072 provisions of chapter 705.

1073 Section 29. Section 509.2015, Florida Statutes, is amended
1074 to read:

1075 509.2015 Telephone surcharges by public lodging
1076 establishments and vacation rentals.—

Amendment No.

1077 (1) A public lodging establishment or vacation rental that
1078 ~~which~~ imposes a surcharge for any telephone call must post
1079 notice of such surcharge in a conspicuous place located by each
1080 telephone from which a call which is subject to a surcharge may
1081 originate. Such notice must be plainly visible and printed on a
1082 sign that is not less than 3 inches by 5 inches in size, and
1083 such notice shall clearly state if the surcharge applies whether
1084 or not the telephone call has been attempted or completed.

1085 (2) The division may, pursuant to s. 509.261 or s.
1086 509.606, suspend or revoke the license of, or impose a fine
1087 against, any public lodging establishment or vacation rental
1088 that violates subsection (1).

1089 Section 30. Subsections (1), (2), and (3) of section
1090 509.211, Florida Statutes, are amended to read:

1091 509.211 Safety regulations.—

1092 (1) Each bedroom or apartment in each public lodging
1093 establishment or vacation rental must ~~shall~~ be equipped with an
1094 approved locking device on each door opening to the outside, to
1095 an adjoining room or apartment, or to a hallway.

1096 (2)(a) It is unlawful for any person to use within any
1097 public lodging establishment, vacation rental, or public food
1098 service establishment any fuel-burning wick-type equipment for
1099 space heating unless such equipment is vented so as to prevent
1100 the accumulation of toxic or injurious gases or liquids.

Amendment No.

1101 (b) Any person who violates ~~the provisions of~~ paragraph
1102 (a) commits a misdemeanor of the second degree, punishable as
1103 provided in s. 775.082 or s. 775.083.

1104 (3) Each public lodging establishment or vacation rental
1105 that is three or more stories in height must have safe and
1106 secure railings on all balconies, platforms, and stairways, and
1107 all such railings must be properly maintained and repaired. The
1108 division may impose administrative sanctions for violations of
1109 this subsection pursuant to s. 509.261.

1110 Section 31. Section 509.2112, Florida Statutes, is
1111 amended to read:

1112 509.2112 Public lodging establishments and vacation
1113 rentals three stories or more in height; inspection rules.—The
1114 Division of Hotels and Restaurants of the Department of Business
1115 and Professional Regulation is directed to provide rules to
1116 require that:

1117 (1) Every public lodging establishment or vacation rental
1118 that is three stories or more in height in the state file a
1119 certificate stating that any and all balconies, platforms,
1120 stairways, and railways have been inspected by a person
1121 competent to conduct such inspections and are safe, secure, and
1122 free of defects.

1123 (2) The information required under subsection (1) be filed
1124 commencing January 1, 1991, and every 3 years thereafter, with
1125 the Division of Hotels and Restaurants and the applicable county

Amendment No.

1126 or municipal authority responsible for building and zoning
1127 permits.

1128 (3) If a public lodging establishment or vacation rental
1129 that is three or more stories in height fails to file the
1130 information required in subsection (1), the Division of Hotels
1131 and Restaurants shall impose administrative sanctions pursuant
1132 to s. 509.261.

1133 Section 32. Subsections (2) and (3), paragraph (a) of
1134 subsection (4), and subsection (6) of section 509.215, Florida
1135 Statutes, are amended to read:

1136 509.215 Firesafety.—

1137 (2) Any public lodging establishment or vacation rental,
1138 as defined in this chapter, which is of three stories or more
1139 and for which the construction contract was let before October
1140 1, 1983, shall be equipped with:

1141 (a) A system which complies with subsection (1); or

1142 (b) An approved sprinkler system for all interior
1143 corridors, public areas, storage rooms, closets, kitchen areas,
1144 and laundry rooms, less individual guest rooms, if the following
1145 conditions are met:

1146 1. There is a minimum 1-hour separation between each guest
1147 room and between each guest room and a corridor.

1148 2. The building is constructed of noncombustible
1149 materials.

Amendment No.

1150 3. The egress conditions meet the requirements of s. 5-3
1151 of the Life Safety Code, NFPA 101.

1152 4. The building has a complete automatic fire detection
1153 system which meets the requirements of NFPA-72A and NFPA-72E,
1154 including smoke detectors in each guest room individually
1155 annunciating to a panel at a supervised location.

1156 (3) Notwithstanding any other provision of law to the
1157 contrary, this section applies only to those public lodging
1158 establishments and vacation rentals in a building wherein more
1159 than 50 percent of the units in the building are advertised or
1160 held out to the public as available for transient occupancy.

1161 (4) (a) Special exception to the provisions of this section
1162 shall be made for a public lodging establishment or vacation
1163 rental structure that is individually listed in the National
1164 Register of Historic Places pursuant to the National Historic
1165 Preservation Act of 1966, as amended; or is a contributing
1166 property to a National Register-listed district; or is
1167 designated as a historic property, or as a contributing property
1168 to a historic district under the terms of a local preservation
1169 ordinance.

1170 (6) Specialized smoke detectors for the deaf and hearing
1171 impaired shall be available upon request by guests in public
1172 lodging establishments or vacation rentals at a rate of at least
1173 one such smoke detector per 50 dwelling units or portions

Amendment No.

1174 thereof, not to exceed five such smoke detectors per public
1175 lodging facility.

1176 Section 33. Paragraph (a) of subsection (1), paragraph
1177 (b) of subsection (2), subsection (4), and subsection (9) of
1178 section 509.221, Florida Statutes, are amended to read:

1179 509.221 Sanitary regulations.—

1180 (1)(a) Each public lodging establishment and vacation
1181 rental shall be supplied with potable water and shall provide
1182 adequate sanitary facilities for the accommodation of its
1183 employees and guests. Such facilities may include, but are not
1184 limited to, showers, handwash basins, toilets, and bidets. Such
1185 sanitary facilities shall be connected to approved plumbing.
1186 Such plumbing shall be sized, installed, and maintained in
1187 accordance with the Florida Building Code as approved by the
1188 local building authority. Wastewater or sewage shall be properly
1189 treated onsite or discharged into an approved sewage collection
1190 and treatment system.

1191 (2)(b) Within a theme park or entertainment complex as
1192 defined in s. 509.013 ~~s. 509.013(9)~~, the bathrooms are not
1193 required to be in the same building as the public food service
1194 establishment, so long as they are reasonably accessible.

1195 (4) Each bedroom in a public lodging establishment and
1196 vacation rental shall have an opening to the outside of the
1197 building, air shafts, or courts sufficient to provide adequate
1198 ventilation. Where ventilation is provided mechanically, the

Amendment No.

1199 system shall be capable of providing at least two air changes
1200 per hour in all areas served. Where ventilation is provided by
1201 windows, each room shall have at least one window opening
1202 directly to the outside.

1203 (9) Subsections (2), (5), and (6) do not apply to any
1204 facility or unit classified as a ~~vacation rental~~, nontransient
1205 apartment, or timeshare project as described in s. 509.242(1)(c)
1206 and (f) ~~s. 509.242(1)(e), (d), and (g)~~.

1207 Section 34. Subsection (2) of section 509.241, Florida
1208 Statutes, is amended to read:

1209 509.241 Licenses required; exceptions.—

1210 (2) APPLICATION FOR LICENSE.—Each person who plans to open
1211 a public lodging establishment or a public food service
1212 establishment shall apply for and receive a license from the
1213 division before ~~prior to~~ the commencement of operation. A
1214 condominium association, as defined in s. 718.103, which does
1215 not own any units classified as a timeshare project ~~vacation~~
1216 ~~rentals or timeshare projects~~ under s. 509.242(1)(f) or as a
1217 vacation rental ~~s. 509.242(1)(e) or (g)~~ is not required to apply
1218 for or receive a public lodging establishment license.

1219 Section 35. Subsection (1) of section 509.242, Florida
1220 Statutes, is amended to read:

1221 509.242 Public lodging establishments; classifications.—

1222 (1) A public lodging establishment is ~~shall be~~ classified
1223 as a hotel, motel, nontransient apartment, transient apartment,

Amendment No.

1224 bed and breakfast inn, or timeshare project, ~~or vacation rental~~
1225 if the establishment satisfies the following criteria:

1226 (a) Hotel.—A hotel is any public lodging establishment
1227 containing sleeping room accommodations for 25 or more guests
1228 and providing the services generally provided by a hotel and
1229 recognized as a hotel in the community in which it is situated
1230 or by the industry.

1231 (b) Motel.—A motel is any public lodging establishment
1232 which offers rental units with an exit to the outside of each
1233 rental unit, daily or weekly rates, offstreet parking for each
1234 unit, a central office on the property with specified hours of
1235 operation, a bathroom or connecting bathroom for each rental
1236 unit, and at least six rental units, and which is recognized as
1237 a motel in the community in which it is situated or by the
1238 industry.

1239 ~~(c) Vacation rental.—A vacation rental is any unit or~~
1240 ~~group of units in a condominium or cooperative or any~~
1241 ~~individually or collectively owned single family, two family,~~
1242 ~~three family, or four family house or dwelling unit that is also~~
1243 ~~a transient public lodging establishment but that is not a~~
1244 ~~timeshare project.~~

1245 ~~(d)~~ Nontransient apartment.—A nontransient apartment is a
1246 building or complex of buildings in which 75 percent or more of
1247 the units are available for rent to nontransient tenants.

Amendment No.

1248 ~~(d)-(e)~~ Transient apartment.—A transient apartment is a
1249 building or complex of buildings in which more than 25 percent
1250 of the units are advertised or held out to the public as
1251 available for transient occupancy.

1252 ~~(e)-(f)~~ Bed and breakfast inn.—A bed and breakfast inn is a
1253 family home structure, with no more than 15 sleeping rooms,
1254 which has been modified to serve as a transient public lodging
1255 establishment, which provides the accommodation and meal
1256 services generally offered by a bed and breakfast inn, and which
1257 is recognized as a bed and breakfast inn in the community in
1258 which it is situated or by the hospitality industry.

1259 ~~(f)-(g)~~ Timeshare project.—A timeshare project is a
1260 timeshare property, as defined in chapter 721, that is located
1261 in this state and that is also a transient public lodging
1262 establishment.

1263 Section 36. Subsection (1) of section 509.251, Florida
1264 Statutes, is amended to read:

1265 509.251 License fees.—

1266 (1) The division shall adopt, by rule, a schedule of fees
1267 to be paid by each public lodging establishment as a
1268 prerequisite to issuance or renewal of a license. Such fees
1269 shall be based on the number of rental units in the
1270 establishment. The aggregate fee per establishment charged any
1271 public lodging establishment may not exceed \$1,000; however, the
1272 fees described in paragraphs (a) and (b) may not be included as

Amendment No.

1273 part of the aggregate fee subject to this cap. ~~Vacation rental~~
1274 ~~units or~~ Timeshare projects within separate buildings or at
1275 separate locations but managed by one licensed agent may be
1276 combined in a single license application, and the division shall
1277 charge a license fee as if all units in the application are in a
1278 single licensed establishment. The fee schedule shall require an
1279 establishment which applies for an initial license to pay the
1280 full license fee if application is made during the annual
1281 renewal period or more than 6 months before the next such
1282 renewal period and one-half of the fee if application is made 6
1283 months or less before such period. The fee schedule shall
1284 include fees collected for the purpose of funding the
1285 Hospitality Education Program, pursuant to s. 509.302, which are
1286 payable in full for each application regardless of when the
1287 application is submitted.

1288 (a) Upon making initial application or an application for
1289 change of ownership, the applicant shall pay to the division a
1290 fee as prescribed by rule, not to exceed \$50, in addition to any
1291 other fees required by law, which shall cover all costs
1292 associated with initiating regulation of the establishment.

1293 (b) A license renewal filed with the division after the
1294 expiration date shall be accompanied by a delinquent fee as
1295 prescribed by rule, not to exceed \$50, in addition to the
1296 renewal fee and any other fees required by law.

Amendment No.

1297 Section 37. Subsection (1) of section 509.281, Florida
1298 Statutes, is amended to read:

1299 509.281 Prosecution for violation; duty of state attorney;
1300 penalties.—

1301 (1) The division or an agent of the division, upon
1302 ascertaining by inspection that any public lodging
1303 establishment, vacation rental, or public food service
1304 establishment is being operated contrary to the provisions of
1305 this chapter, shall make complaint and cause the arrest of the
1306 violator, and the state attorney, upon request of the division
1307 or agent, shall prepare all necessary papers and conduct the
1308 prosecution. The division shall proceed in the courts by
1309 mandamus or injunction whenever such proceedings may be
1310 necessary to the proper enforcement of the provisions of this
1311 chapter, of the rules adopted pursuant hereto, or of orders of
1312 the division.

1313 Section 38. Paragraph (a) of subsection (2) of section
1314 509.302, Florida Statutes, is amended to read:

1315 509.302 Hospitality Education Program.—

1316 (2)(a) All public lodging establishments, and all public
1317 food service establishments, and vacation rentals licensed under
1318 this chapter shall pay an annual fee of no more than \$10, which
1319 shall be included in the annual license fee and used for the
1320 sole purpose of funding the Hospitality Education Program.

Amendment No.

1321 Section 39. Section 509.4005, Florida Statutes, is amended
1322 to read:

1323 509.4005 Applicability of ss. 509.401-509.417.—Sections
1324 509.401-509.417 apply only to guests in transient occupancy in a
1325 public lodging establishment or vacation rental.

1326 Section 40. Subsection (1) of section 509.401, Florida
1327 Statutes, is amended to read:

1328 509.401 Operator's right to lockout.—

1329 (1) If, upon a reasonable determination by an operator of
1330 a public lodging establishment or vacation rental, a guest has
1331 accumulated a large outstanding account at such establishment,
1332 the operator may lock the guest out of the guest's rental unit
1333 for the purpose of requiring the guest to confront the operator
1334 and arrange for payment on the account. Such arrangement must be
1335 in writing, and a copy must be furnished to the guest.

1336 Section 41. Section 509.402, Florida Statutes, is amended
1337 to read:

1338 509.402 Operator's right to recover premises.—If the guest
1339 of a public lodging establishment or vacation rental vacates the
1340 premises without notice to the operator and the operator
1341 reasonably believes the guest does not intend to satisfy the
1342 outstanding account, the operator may recover the premises. Upon
1343 recovery of the premises, the operator shall make an itemized
1344 inventory of any property belonging to the guest and store such
1345 property until a settlement or a final court judgment is

Amendment No.

1346 obtained on the guest's outstanding account. Such inventory
1347 shall be conducted by the operator and at least one other person
1348 who is not an agent of the operator.

1349 Section 42. Subsections (1) and (2) of section 509.405,
1350 Florida Statutes, are amended to read: 509.405 Complaint;
1351 requirements.—To obtain an order authorizing the issuance of a
1352 writ of distress upon final judgment, the operator must first
1353 file with the clerk of the court a complaint reciting and
1354 showing the following information: (1) A statement as to the
1355 amount of the guest's account at the public lodging
1356 establishment or vacation rental. (2) A statement that the
1357 plaintiff is the operator of the public lodging establishment or
1358 vacation rental in which the guest has an outstanding account.
1359 If the operator's interest in such account is based on written
1360 documents, a copy of such documents shall be attached to the
1361 complaint.

1362 Section 43. Section 509.409, Florida Statutes, is amended
1363 to read:

1364 509.409 Writ; inventory.—When the officer seizes
1365 distrainable property, either under s. 509.407 or s. 509.408,
1366 and such property is seized on the premises of a public lodging
1367 establishment or vacation rental, the officer shall inventory
1368 the property, hold those items which, upon appraisal, would
1369 appear to satisfy the plaintiff's claim, and return the
1370 remaining items to the defendant. If the defendant cannot be

Amendment No.

1371 found, the officer shall hold all items of property. The officer
1372 shall release the property only pursuant to law or a court
1373 order.

1374 Section 44. Subsection (2) of section 509.417, Florida
1375 Statutes, is amended to read:

1376 509.417 Writ; sale of property distrained.—

1377 (2) At the time any property levied on is sold, it must be
1378 advertised two times, the first advertisement being at least 10
1379 days before the sale. All property so levied on may be sold on
1380 the premises of the public lodging establishment or the vacation
1381 rental or at the courthouse door.

1382 Section 45. Paragraph (b) of subsection (5) of section
1383 553.5041, Florida Statutes, is amended to read:

1384 553.5041 Parking spaces for persons who have
1385 disabilities.—

1386 (5) Accessible perpendicular and diagonal accessible
1387 parking spaces and loading zones must be designed and located to
1388 conform to ss. 502 and 503 of the standards.

1389 (b) If there are multiple entrances or multiple retail
1390 stores, the parking spaces must be dispersed to provide parking
1391 at the nearest accessible entrance. If a theme park or an
1392 entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~
1393 provides parking in several lots or areas from which access to
1394 the theme park or entertainment complex is provided, a single
1395 lot or area may be designated for parking by persons who have

Amendment No.

1396 disabilities, if the lot or area is located on the shortest
1397 accessible route to an accessible entrance to the theme park or
1398 entertainment complex or to transportation to such an accessible
1399 entrance.

1400 Section 46. Section 717.1355, Florida Statutes, is amended
1401 to read:

1402 717.1355 Theme park and entertainment complex tickets.—
1403 This chapter does not apply to any tickets for admission to a
1404 theme park or entertainment complex as defined in s. 509.013 ~~s.~~
1405 ~~509.013(9)~~, or to any tickets to a permanent exhibition or
1406 recreational activity within such theme park or entertainment
1407 complex.

1408 Section 47. Paragraph (a) of subsection (11) of section
1409 760.02, Florida Statutes, is amended to read:

1410 760.02 Definitions.—For the purposes of ss. 760.01–760.11
1411 and 509.092, the term:

1412 (11) "Public accommodations" means places of public
1413 accommodation, lodgings, facilities principally engaged in
1414 selling food for consumption on the premises, gasoline stations,
1415 places of exhibition or entertainment, and other covered
1416 establishments. Each of the following establishments which
1417 serves the public is a place of public accommodation within the
1418 meaning of this section:

1419 (a) Any inn, hotel, motel, vacation rental as defined in
1420 s. 509.013, or other establishment which provides lodging to

Amendment No.

1421 transient guests, other than an establishment located within a
1422 building which contains not more than four rooms for rent or
1423 hire and which is actually occupied by the proprietor of such
1424 establishment as his or her residence.

1425 Section 48. Subsection (8) of section 877.24, Florida
1426 Statutes, is amended to read:

1427 877.24 Nonapplication of s. 877.22.—Section 877.22 does
1428 not apply to a minor who is:

1429 (8) Attending an organized event held at and sponsored by
1430 a theme park or entertainment complex as defined in s. 509.013
1431 ~~s. 509.013(9)~~.

1432 Section 49. This act shall take effect July 1, 2018.

1433

1434

1435

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

1436

1437

1438

1439

1440

1441

1442

1443

1444

1445

Remove everything before the enacting clause and insert:
An act relating to vacation rentals; providing a directive to
the Division of Law Revision and Information; creating s.
509.601, F.S.; providing a short title; creating s. 509.603,
F.S.; providing legislative findings; specifying purpose;
preempting certain regulation and control of vacation rentals to
the state; specifying authority of the Division of Hotels and
Restaurants over regulation of vacation rentals; requiring the
division to adopt rules; providing legislative intent; creating
s. 509.604, F.S.; preempting licensing of vacation rentals to

Amendment No.

1446 the state; requiring vacation rentals to obtain a license;
1447 specifying that individuals cannot transfer licenses; specifying
1448 a penalty for operating without a license; requiring local law
1449 enforcement to assist with enforcement; specifying that the
1450 division may refuse to issue or renew a license under certain
1451 circumstances; specifying that licenses must be renewed annually
1452 and that the division must adopt rules for staggered renewals;
1453 specifying the manner in which administrative proceedings
1454 proceed upon the expiration of a license; specifying that
1455 persons intending to use a property as a vacation rental apply
1456 for and receive a license before use; requiring applications for
1457 a license to include the operator's emergency contact phone
1458 number; requiring the division to issue a temporary license upon
1459 receipt of an application; requiring such licenses to be
1460 displayed in a vacation rental; creating s. 509.605, F.S.;
1461 requiring the division to adopt rules regarding certain license
1462 and delinquent fees; specifying the maximum number of units
1463 under one license; specifying requirements regarding such fees;
1464 creating s. 509.6051, F.S.; specifying maximum occupancy for
1465 vacation rentals; creating s. 509.606, F.S.; providing penalties
1466 for violations; specifying the circumstances that constitute a
1467 separate offense of a critical law or rule; specifying
1468 circumstances under which a closed-for-operation sign must be
1469 posted; specifying where administrative fines must be paid and
1470 credited to; specifying the maximum amount of time a vacation

730015 - HB 773 Strikeall Amendment.docx

Published On: 2/12/2018 6:12:39 PM

Amendment No.

1471 rental license may be suspended; specifying certain
1472 circumstances where the division may fine, suspend, or revoke
1473 the license of a vacation rental; specifying that persons are
1474 not entitled to a license when administrative proceedings have
1475 been or will be brought against a licensee; providing
1476 enforcement for noncompliance with final orders or other
1477 administrative actions; authorizing the division to refuse the
1478 issuance or renewal of a license until all fines have been paid;
1479 creating s. 509.607, F.S.; specifying that vacation rentals are
1480 to be treated as transient rentals regarding certain landlord
1481 and tenant provisions; exempting persons renting or advertising
1482 for rent from certain real estate regulations; creating s.
1483 509.608, F.S.; preempting inspection of vacation rentals to the
1484 state; specifying that the division is solely responsible for
1485 inspections and quality assurance; specifying that the division
1486 has a right of entry and access for performing inspections;
1487 prohibiting the division from establishing certain rules;
1488 specifying that vacation rentals must be made available for
1489 inspection upon request; specifying procedures for vulnerable
1490 adults appearing to be victims of neglect and, in the case of
1491 buildings without automatic sprinkler systems, persons who may
1492 not be able to self-preserve in an emergency; requiring the
1493 division to inspect vacation rentals when necessary to respond
1494 to emergencies and epidemiological conditions; amending s.
1495 509.609, F.S.; specifying additional requirements when a

730015 - HB 773 Strikeall Amendment.docx

Published On: 2/12/2018 6:12:39 PM

Amendment No.

1496 specified number of certain vacation rental units that are under
1497 common ownership are rented out for a specified number of nights
1498 per year; specifying inspection requirements for such vacation
1499 rentals; specifying penalties; requiring the division to audit
1500 at least a specified number such vacation rentals per year;
1501 amending s. 509.013, F.S.; revising and defining terms; amending
1502 s. 509.032, F.S.; specifying provisions for inspection of
1503 vacation rentals; revising the requirements of a report relating
1504 to inspection of public lodging and public food service
1505 establishments; specifying that local governments may regulate
1506 activities that arise when a property is used as a vacation
1507 rental, subject to certain conditions; grandfathering certain
1508 local laws, ordinances, and regulations; requiring the division
1509 to make vacation rental license information available to the
1510 public and local governments; deleting a prohibition against
1511 certain local regulation of vacation rentals; amending ss.
1512 159.27, 212.08, 316.1955, 404.056, and 477.0135, F.S.;
1513 conforming cross-references; amending ss. 509.072, 509.091,
1514 509.092, 509.095, 509.101, 509.111, 509.141, 509.142, 509.144,
1515 509.162, 509.191, 509.2015, 509.211, 509.2112, and 509.215,
1516 F.S.; conforming provisions to changes made by the act; amending
1517 s. 509.221, F.S.; conforming provisions to changes made by the
1518 act; revising a provision that excludes vacation rentals from
1519 certain sanitary regulations for public lodging; amending s.
1520 509.241, F.S.; conforming provisions to changes made by the act;

730015 - HB 773 Strikeall Amendment.docx

Published On: 2/12/2018 6:12:39 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 773 (2018)

Amendment No.

1521 amending s. 509.242, F.S.; removing vacation rentals from the
1522 classifications of public lodging establishments; amending s.
1523 760.02, F.S.; providing that a vacation rental is a public
1524 accommodation; amending ss. 509.251, 509.281, 509.302, 509.4005,
1525 509.401, 509.402, 509.405, 509.409, and 509.417, F.S.;
1526 conforming provisions to changes made by the act; amending ss.
1527 553.5041, 717.1355, and 877.24, F.S.; conforming cross-
1528 references; providing an effective date.