

By Senator Simmons

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1 A bill to be entitled
2 An act relating to vacation rentals; amending s.
3 212.18, F.S.; requiring persons engaged in certain
4 public lodging-related transactions to display a valid
5 certificate of registration number in rental listings
6 or advertisements; specifying penalties for failure to
7 display such certification number; reordering and
8 amending s. 509.013, F.S.; revising and defining
9 terms; amending s. 509.032, F.S.; revising the
10 inspection responsibilities of the Division of Hotels
11 and Restaurants regarding vacation rentals; conforming
12 a cross-reference; requiring the division to adopt
13 rules relating to the inspection frequency for
14 licensed public food service establishments; requiring
15 the division to annually reassess such inspection
16 frequency; revising the preemption of local laws,
17 ordinances, and regulations relating to vacation
18 rentals; amending s. 509.034, F.S.; revising the
19 applicability of specified public lodging provisions;
20 amending s. 509.101, F.S.; making a technical change;
21 amending s. 509.141, F.S.; specifying the conditions
22 under which a notice to depart a premises is
23 effective; amending s. 509.151, F.S.; making a
24 technical change; amending s. 509.221, F.S.;
25 conforming a cross-reference; making technical
26 changes; specifying the applicability of specified
27 public lodging provisions to commercial vacation
28 rentals; amending s. 509.241, F.S.; authorizing the
29 division to refuse to issue or renew, or to suspend or

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30 revoke, the license of a public lodging establishment
31 subject to a local final order directing the
32 establishment to cease operations; requiring vacation
33 rentals to display certain information in rental
34 listings and advertisements; amending s. 509.242,
35 F.S.; revising the classification of "vacation
36 rental"; authorizing the division to require by rule
37 that vacation rental applicants and licensees provide
38 certain information; revising the classification of
39 "nontransient apartment"; creating s. 509.243, F.S.;
40 requiring transient public lodging hosting platforms
41 to be registered with the division; prohibiting
42 hosting platforms from making specified transactions
43 regarding unregistered public lodging establishments;
44 specifying registration requirements; specifying
45 requirements relating to agents for service of
46 process; authorizing hosting platforms to collect and
47 remit state and local taxes; specifying the records to
48 be maintained by hosting platforms and the
49 transmission of such records; requiring the division
50 to audit such records periodically; authorizing the
51 division to share such records with the Department of
52 Revenue and specified counties for specified purposes;
53 specifying penalties; amending s. 509.4005, F.S.;
54 revising the applicability of specified public lodging
55 provisions; requiring the department and specified
56 counties to adopt an amnesty program regarding unpaid
57 taxes, penalties, and interest for persons who engage
58 in leasing, renting, letting, or granting licenses to

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59 use a vacation rental; specifying the requirements of
60 such programs; specifying that certain taxes,
61 penalties, or interest assessments are not eligible
62 for such programs; authorizing the department to adopt
63 emergency rules; specifying rule requirements;
64 amending ss. 159.27, 212.08, 316.1955, 404.056,
65 477.0135, 553.5041, 717.1355, and 877.24, F.S.;
66 conforming cross-references; providing effective
67 dates.

68

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

70

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

73 212.18 Administration of law; registration of dealers;
74 rules.—

75 (3) (a) A person who desires ~~desiring~~ to engage in or
76 conduct business in this state as a dealer, or to lease, rent,
77 or let or grant licenses in living quarters or sleeping or
78 housekeeping accommodations in hotels, apartment houses,
79 roominghouses, or tourist or trailer camps that are subject to
80 tax under s. 212.03, or to lease, rent, or let or grant licenses
81 in real property, and a person who sells or receives anything of
82 value by way of admissions, must file with the department an
83 application for a certificate of registration for each place of
84 business. The application must include the names of the persons
85 who have interests in such business and their residences, the
86 address of the business, and other data reasonably required by
87 the department. However, owners and operators of vending

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88 machines or newspaper rack machines are required to obtain only
89 one certificate of registration for each county in which such
90 machines are located. The department, by rule, may authorize a
91 dealer that uses independent sellers to sell its merchandise to
92 remit tax on the retail sales price charged to the ultimate
93 consumer in lieu of having the independent seller register as a
94 dealer and remit the tax. The department may appoint the county
95 tax collector as the department's agent to accept applications
96 for registrations. The application must be submitted to the
97 department before the person, firm, copartnership, or
98 corporation may engage in such business.

99 (b) 1. ~~The department,~~ Upon receipt of such application, the
100 department shall grant to the applicant a separate certificate
101 of registration for each place of business, which may be
102 canceled by the department or its designated assistants for any
103 failure by the certificateholder to comply with this chapter.
104 The certificate is not assignable and is valid only for the
105 person, firm, copartnership, or corporation to which it is
106 issued. The certificate must be placed in a conspicuous place in
107 the business or businesses for which it is issued and must be
108 displayed at all times. Except as provided in this subsection, a
109 person may not engage in business as a dealer or in leasing,
110 renting, ~~or~~ letting, ~~or~~ or granting a license to use ~~licenses in~~
111 living quarters or sleeping or housekeeping accommodations in
112 hotels, apartment houses, roominghouses, tourist or trailer
113 camps, or real property, or sell or receive anything of value by
114 way of admissions, without a valid certificate. A person may not
115 receive a license from any authority within the state to engage
116 in any such business without a valid certificate. A person may

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117 not engage in the business of selling or leasing tangible
118 personal property or services as a dealer; engage in leasing,
119 renting, ~~or~~ letting, ~~or~~ or granting a license to use licenses in
120 living quarters or sleeping or housekeeping accommodations in
121 hotels, apartment houses, roominghouses, or tourist or trailer
122 camps that are taxable under this chapter, or real property; or
123 engage in the business of selling or receiving anything of value
124 by way of admissions without a valid certificate.

125 2. A person engaged in leasing, renting, letting, or
126 granting a license to use a transient public lodging
127 establishment, as defined in s. 509.013, must display the
128 person's valid certificate of registration number in any rental
129 listing or advertisement for such property.

130 (c)1.a. A person who engages in acts requiring a
131 certificate of registration under this subsection and who fails
132 or refuses to register commits a misdemeanor of the first
133 degree, punishable as provided in s. 775.082 or s. 775.083. Such
134 acts are subject to injunctive proceedings as provided by law. A
135 person who engages in acts requiring a certificate of
136 registration and who fails or refuses to register is also
137 subject to a \$100 registration fee. However, the department may
138 waive the registration fee if it finds that the failure to
139 register was due to reasonable cause and not to willful
140 negligence, willful neglect, or fraud.

141 b. A person who fails to display a valid certificate of
142 registration number as required under subparagraph (b)2. and who
143 has not previously been found to be in violation of that
144 subparagraph is subject to a civil penalty of \$50 per day until
145 the person is in compliance. The department shall collect the

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146 penalty.

147 c. A person who fails to display a valid certificate of
148 registration number as required under subparagraph (b)2. and who
149 has previously been found to be in violation of that
150 subparagraph is subject to a civil penalty of \$100 per day until
151 the person is in compliance. The department shall collect the
152 penalty.

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

157 b. The department shall provide written notice of the duty
158 to register to the person by personal service or by sending
159 notice by registered mail to the person's last known address.
160 The department may provide written notice by both methods
161 described in this sub-subparagraph.

162 Section 2. Section 509.013, Florida Statutes, is reordered
163 and amended to read:

164 509.013 Definitions.—As used in this chapter, the term:

165 (1) "Commercial vacation rental" means a vacation rental,
166 as specified in s. 509.242(1)(c), which:

167 (a) Is managed by one licensed agent under a single
168 license, pursuant to s. 509.251(1), for five or more vacation
169 rental units; or

170 (b) Is part of five or more vacation rental units under
171 common ownership, control, or management, either directly or
172 indirectly.

173 (3)~~(1)~~ "Division" means the Division of Hotels and
174 Restaurants of the Department of Business and Professional

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175 Regulation.

176 (5) "Hosting platform" means a person who advertises the
177 rental of transient public lodging establishments located in
178 this state and who receives compensation in connection with
179 facilitating a guest's reservation or with collecting payment
180 for such reservation or rental made through any online-enabled
181 application, software, website, or system.

182 (7)(2) "Operator" means the owner, licensee, proprietor,
183 lessee, manager, assistant manager, or appointed agent of a
184 public lodging establishment or public food service
185 establishment.

186 (4)(3) "Guest" means any patron, customer, tenant, lodger,
187 boarder, or occupant of a public lodging establishment or public
188 food service establishment.

189 (9)(4)(a) "Public lodging establishment" includes a
190 transient public lodging establishment as defined in
191 subparagraph 1. and a nontransient public lodging establishment
192 as defined in subparagraph 2.

193 1. "Transient public lodging establishment" means the whole
194 or any part of a any unit, group of units, dwelling, building,
195 or group of buildings within a single complex of buildings which
196 is rented to guests more than three times in a calendar year for
197 periods of less than 30 days or 1 calendar month, whichever is
198 less, or which is advertised or held out to the public as a
199 place regularly rented to guests.

200 2. "Nontransient public lodging establishment" means the
201 whole or any part of a any unit, group of units, dwelling,
202 building, or group of buildings within a single complex of
203 buildings which is rented to guests for periods of at least 30

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204 days or 1 calendar month, whichever is less, or which is
205 advertised or held out to the public as a place regularly rented
206 to guests for periods of at least 30 days or 1 calendar month.
207

208 License classifications of public lodging establishments, and
209 the definitions therefor, are set out in s. 509.242. For the
210 purpose of licensure, the term does not include condominium
211 common elements as defined in s. 718.103.

212 (b) The following are excluded from the definitions in
213 paragraph (a):

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

217 2. Any facility certified or licensed and regulated by the
218 Agency for Health Care Administration or the Department of
219 Children and Families or other similar place regulated under s.
220 381.0072.

221 3. Any place renting four rental units or less, unless the
222 rental units are advertised or held out to the public to be
223 places that are regularly rented to transients. For the purposes
224 of this subparagraph, if a rental unit, in whole or in part, is
225 advertised to guests for transient occupancy via a hosting
226 platform, it shall be deemed to be regularly rented to
227 transients.

228 4. Any unit or group of units in a condominium,
229 cooperative, or timeshare plan and any individually or
230 collectively owned one-family, two-family, three-family, or
231 four-family dwelling house or dwelling unit that is rented for
232 periods of at least 30 days or 1 calendar month, whichever is

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233 less, and that is not advertised or held out to the public as a
234 place regularly rented for periods of less than 1 calendar
235 month, provided that no more than four rental units within a
236 single complex of buildings are available for rent. For purposes
237 of this subparagraph, if a rental unit, in whole or in part, is
238 advertised to guests for transient occupancy via a hosting
239 platform, it shall be deemed to be regularly rented for periods
240 of less than 1 calendar month.

241 5. Any migrant labor camp or residential migrant housing
242 permitted by the Department of Health under ss. 381.008-
243 381.00895.

244 6. Any establishment inspected by the Department of Health
245 and regulated by chapter 513.

246 7. Any nonprofit organization that operates a facility
247 providing housing only to patients, patients' families, and
248 patients' caregivers and not to the general public.

249 8. Any apartment building inspected by the United States
250 Department of Housing and Urban Development or other entity
251 acting on the department's behalf that is designated primarily
252 as housing for persons at least 62 years of age. The division
253 may require the operator of the apartment building to attest in
254 writing that such building meets the criteria provided in this
255 subparagraph. The division may adopt rules to implement this
256 requirement.

257 9. Any roominghouse, boardinghouse, or other living or
258 sleeping facility that may not be classified as a hotel, motel,
259 timeshare project, vacation rental, nontransient apartment, bed
260 and breakfast inn, or transient apartment under s. 509.242.

261 (8)~~(5)~~ (a) "Public food service establishment" means any

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262 building, vehicle, place, or structure, or any room or division
263 in a building, vehicle, place, or structure where food is
264 prepared, served, or sold for immediate consumption on or in the
265 vicinity of the premises; called for or taken out by customers;
266 or prepared before ~~prior to~~ being delivered to another location
267 for consumption. The term includes a culinary education program,
268 as defined in s. 381.0072(2), which offers, prepares, serves, or
269 sells food to the general public, regardless of whether it is
270 inspected by another state agency for compliance with sanitation
271 standards.

272 (b) The following are excluded from the definition in
273 paragraph (a):

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

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

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

279 2. Any eating place maintained and operated by a church or
280 a religious, nonprofit fraternal, or nonprofit civic
281 organization:

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

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

285

286 Upon request by the division, a church or a religious, nonprofit
287 fraternal, or nonprofit civic organization claiming an exclusion
288 under this subparagraph must provide the division documentation
289 of its status as a church or a religious, nonprofit fraternal,
290 or nonprofit civic organization.

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291 3. Any eating place maintained and operated by an
292 individual or entity at a food contest, cook-off, or a temporary
293 event lasting from 1 to 3 days which is hosted by a church or a
294 religious, nonprofit fraternal, or nonprofit civic organization.
295 Upon request by the division, the event host must provide the
296 division documentation of its status as a church or a religious,
297 nonprofit fraternal, or nonprofit civic organization.

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

300 5. Any eating place maintained by a facility certified or
301 licensed and regulated by the Agency for Health Care
302 Administration or the Department of Children and Families or
303 other similar place that is regulated under s. 381.0072.

304 6. Any place of business issued a permit or inspected by
305 the Department of Agriculture and Consumer Services under s.
306 500.12.

307 7. Any place of business where the food available for
308 consumption is limited to ice, beverages with or without
309 garnishment, popcorn, or prepackaged items sold without
310 additions or preparation.

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

314 9. Any vending machine that dispenses any food or beverages
315 other than potentially hazardous foods, as defined by division
316 rule.

317 10. Any vending machine that dispenses potentially
318 hazardous food and which is located in a facility regulated
319 under s. 381.0072.

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320 11. Any research and development test kitchen limited to
321 the use of employees and which is not open to the general
322 public.

323 (2)~~(6)~~ "Director" means the Director of the Division of
324 Hotels and Restaurants of the Department of Business and
325 Professional Regulation.

326 (10)~~(7)~~ "Single complex of buildings" means all buildings
327 or structures that are owned, managed, controlled, or operated
328 under one business name and are situated on the same tract or
329 plot of land that is not separated by a public street or
330 highway.

331 (11)~~(8)~~ "Temporary food service event" means any event of
332 30 days or less in duration where food is prepared, served, or
333 sold to the general public.

334 (12)~~(9)~~ "Theme park" or "entertainment complex" means a
335 complex consisting ~~comprised~~ of at least 25 contiguous acres
336 owned and controlled by the same business entity and which
337 contains permanent exhibitions and a variety of recreational
338 activities and has a minimum of 1 million visitors annually.

339 (13)~~(10)~~ "Third-party provider" means, for purposes of s.
340 509.049, any provider of an approved food safety training
341 program that provides training or such a training program to a
342 public food service establishment that is not under common
343 ownership or control with the provider.

344 ~~(11) "Transient establishment" means any public lodging~~
345 ~~establishment that is rented or leased to guests by an operator~~
346 ~~whose intention is that such guests' occupancy will be~~
347 ~~temporary.~~

348 (14)~~(12)~~ "Transient occupancy" means any occupancy in which

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349 ~~when it is the intention of the parties that the operator~~
350 ~~prohibits the guest from using the occupied lodging as the~~
351 ~~guest's sole residence, as stated in the written rental~~
352 ~~agreement. If the written rental agreement does not contain such~~
353 ~~a provision or no written rental agreement exists, occupancy~~
354 ~~will be temporary.~~ there is a rebuttable presumption that, when
355 the occupied lodging dwelling unit occupied is not the sole
356 residence of the guest, the occupancy is transient.

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

358 ~~(14) "Nontransient establishment" means any public lodging~~
359 ~~establishment that is rented or leased to guests by an operator~~
360 ~~whose intention is that the dwelling unit occupied will be the~~
361 ~~sole residence of the guest.~~

362 ~~(6)(15)~~ "Nontransient occupancy" means any occupancy in
363 which when it is the intention of the parties that such the
364 occupancy will not be temporary. If a written rental agreement
365 between the parties states that the operator permits the guest
366 to use the occupied lodging as the guest's sole residence and if
367 such agreement is for a term greater than 30 days, there is a
368 rebuttable presumption that the occupancy is nontransient. If
369 the written rental agreement does not contain such provisions,
370 or no written rental agreement exists, there is a rebuttable
371 presumption that, when the occupied lodging dwelling unit
372 occupied is the sole residence of the guest, the occupancy is
373 nontransient.

374 ~~(16) "Nontransient" means a guest in nontransient~~
375 ~~occupancy.~~

376 Section 3. Paragraph (a) of subsection (2) and paragraph
377 (c) of subsection (3) of section 509.032, Florida Statutes, are

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378 amended to read:

379 509.032 Duties.—

380 (2) INSPECTION OF PREMISES.—

381 (a) The division has jurisdiction and is responsible for
382 all inspections required by this chapter. The division is
383 responsible for quality assurance. Beyond the specific
384 inspection frequencies under this paragraph, the division shall
385 inspect each establishment licensed by the division at such
386 other times as the division determines is necessary to ensure
387 the public health, safety, and welfare.

388 1. The division shall inspect each licensed public lodging
389 establishment, including commercial vacation rentals, at least
390 biannually, except for transient and nontransient apartments,
391 which shall be inspected at least annually. ~~Each establishment~~
392 ~~licensed by the division shall be inspected at such other times~~
393 ~~as the division determines is necessary to ensure the public's~~
394 ~~health, safety, and welfare. The division shall adopt by rule a~~
395 ~~risk-based inspection frequency for each licensed public food~~
396 ~~service establishment. The rule must require at least one, but~~
397 ~~not more than four, routine inspections that must be performed~~
398 ~~annually, and may include guidelines that consider the~~
399 ~~inspection and compliance history of a public food service~~
400 ~~establishment, the type of food and food preparation, and the~~
401 ~~type of service. The division shall reassess the inspection~~
402 ~~frequency of all licensed public food service establishments at~~
403 ~~least annually.~~ Public lodging units classified as vacation
404 rentals or timeshare projects, except commercial vacation
405 rentals, are not subject to this requirement but must ~~shall~~ be
406 made available to the division upon request. If, during the

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407 inspection of a public lodging establishment ~~classified for~~
408 ~~renting to transient or nontransient tenants~~, an inspector
409 identifies vulnerable adults who appear to be victims of
410 neglect, as defined in s. 415.102, or, in the case of a building
411 that is not equipped with automatic sprinkler systems, tenants
412 or clients who may be unable to self-preserve in an emergency,
413 the division shall convene meetings with the following agencies
414 as appropriate to the individual situation: the Department of
415 Health, the Department of Elderly Affairs, the area agency on
416 aging, the local fire marshal, the landlord and affected tenants
417 and clients, and other relevant organizations, to develop a plan
418 that improves the prospects for safety of affected residents
419 and, if necessary, identifies alternative living arrangements
420 such as facilities licensed under part II of chapter 400 or
421 under chapter 429.

422 2. The division shall adopt by rule a risk-based inspection
423 frequency for each licensed public food service establishment.
424 The rule must require at least one, but not more than four,
425 routine inspections that must be performed annually and may
426 include guidelines that consider the inspection and compliance
427 history of a public food service establishment, the type of food
428 and food preparation, and the type of service. The division
429 shall reassess the inspection frequency of all licensed public
430 food service establishments at least annually.

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

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

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436 1. Sponsors of temporary food service events shall notify
437 the division not less than 3 days before the scheduled event of
438 the type of food service proposed, the time and location of the
439 event, a complete list of food service vendors participating in
440 the event, the number of individual food service facilities each
441 vendor will operate at the event, and the identification number
442 of each food service vendor's current license as a public food
443 service establishment or temporary food service event licensee.
444 Notification may be completed orally, by telephone, in person,
445 or in writing. A public food service establishment or food
446 service vendor may not use this notification process to
447 circumvent the license requirements of this chapter.

448 2. The division shall keep a record of all notifications
449 received for proposed temporary food service events and shall
450 provide appropriate educational materials to the event sponsors
451 and notify the event sponsors of the availability of the food-
452 recovery brochure developed under s. 595.420.

453 3.a. Unless excluded under s. 509.013(8)(b) ~~s.~~
454 ~~509.013(5)(b)~~, a public food service establishment or other food
455 service vendor must obtain one of the following classes of
456 license from the division: an individual license, for a fee of
457 no more than \$105, for each temporary food service event in
458 which it participates; or an annual license, for a fee of no
459 more than \$1,000, that entitles the licensee to participate in
460 an unlimited number of food service events during the license
461 period. The division shall establish license fees, by rule, and
462 may limit the number of food service facilities a licensee may
463 operate at a particular temporary food service event under a
464 single license.

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465 b. Public food service establishments holding current
466 licenses from the division may operate under the regulations of
467 such a license at temporary food service events.

468 Section 4. Effective upon this act becoming a law,
469 paragraph (b) of subsection (7) of section 509.032, Florida
470 Statutes, is amended to read:

471 509.032 Duties.—

472 (7) PREEMPTION AUTHORITY.—

473 (b)1. A local law, ordinance, or regulation may not
474 prohibit vacation rentals or regulate the duration or frequency
475 of rental of vacation rentals. However, a local government may
476 regulate activities:

477 a. That arise when a property is used as a vacation rental,
478 provided such regulation applies uniformly to all residential
479 properties without regard to whether the property is used as a
480 vacation rental as defined in s. 509.242 or long-term rental
481 subject to part II of chapter 83 or whether a property owner
482 chooses not to rent the property.

483 b. In single-family residences in which the owner does not
484 personally occupy at least a portion of the residence where
485 vacation rental activities are occurring.

486 2. A vacation rental owner shall submit to the local
487 jurisdiction a copy of the vacation rental license required
488 under this chapter, a copy of the certificate of registration
489 required under s. 212.18, and the owner's emergency contact
490 information. The submission of such documents and information is
491 for informational purposes only. The local jurisdiction may not
492 assess a fee for the submission.

493 3. This paragraph does not apply to any local law,

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494 ordinance, or regulation adopted on or before June 1, 2011,
495 including when such law, ordinance, or regulation is being
496 amended to be less restrictive.

497 Section 5. Section 509.034, Florida Statutes, is amended to
498 read:

499 509.034 Application.—Sections 509.141-509.162 and 509.401-
500 509.417 apply only to guests in transient occupancy in a
501 licensed public lodging establishment ~~transients only~~. This
502 chapter may not be used to circumvent the procedural
503 requirements of the Florida Residential Landlord and Tenant Act.

504 Section 6. Subsection (2) of section 509.101, Florida
505 Statutes, is amended to read:

506 509.101 Establishment rules; posting of notice; food
507 service inspection report; maintenance of guest register; mobile
508 food dispensing vehicle registry.—

509 (2) It is the duty of each operator of a transient public
510 lodging establishment to maintain at all times a register,
511 signed by or for guests who occupy rental units within the
512 establishment, showing the dates upon which the rental units
513 were occupied by such guests and the rates charged for their
514 occupancy. This register shall be maintained in chronological
515 order and available for inspection by the division at any time.
516 Operators need not make available registers which are more than
517 2 years old.

518 Section 7. Subsections (2), (3), and (4) of section
519 509.141, Florida Statutes, are amended to read:

520 509.141 Refusal of admission and ejection of undesirable
521 guests; notice; procedure; penalties for refusal to leave.—

522 (2) The operator of any public lodging establishment or

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523 public food service establishment shall notify such guest that
524 the establishment no longer desires to entertain the guest and
525 shall request that such guest immediately depart from the
526 establishment. Such notice may be given orally or in writing.
527 The notice is effective upon the operator's delivery of the
528 notice, whether in person, via a telephonic or electronic
529 communications medium using the contact information provided by
530 the guest, or, with respect to a public lodging establishment,
531 upon delivery to the guest's lodging unit. If the notice is in
532 writing, it shall be as follows:

533
534 "You are hereby notified that this establishment no longer
535 desires to entertain you as its guest, and you are requested to
536 leave at once. To remain after receipt of this notice is a
537 misdemeanor under the laws of this state."

538
539 If such guest has paid in advance, the establishment shall, at
540 the time such notice is given, tender to such guest the unused
541 portion of the advance payment; however, the establishment may
542 withhold payment for each full day that the guest has been
543 entertained at the establishment for any portion of the 24-hour
544 period of such day.

545 (3) Any guest who remains or attempts to remain in any such
546 establishment after the operator's request to depart pursuant to
547 subsection (2) ~~being requested to leave~~ is guilty of a
548 misdemeanor of the second degree, punishable as provided in s.
549 775.082 or s. 775.083.

550 (4) If any guest ~~person is~~ illegally remains on the
551 premises of any public lodging establishment or public food

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552 service establishment after the operator's request to depart
553 pursuant to subsection (2), the operator of such establishment
554 may call upon any law enforcement officer of this state for
555 assistance. It is the duty of such law enforcement officer, upon
556 the request of such operator, to place under arrest and take
557 into custody for violation of this section any guest who
558 violates subsection (3) in the presence of the officer. If a
559 warrant has been issued by the proper judicial officer for the
560 arrest of any violator of subsection (3), the officer shall
561 serve the warrant, arrest the person, and take the person into
562 custody. Upon arrest, with or without warrant, the guest will be
563 deemed to have given up any right to occupancy or to have
564 abandoned such right of occupancy of the premises, and the
565 operator of the establishment may then make such premises
566 available to other guests. However, the operator of the
567 establishment shall employ all reasonable and proper means to
568 care for any personal property which may be left on the premises
569 by such guest and shall refund any unused portion of moneys paid
570 by such guest for the occupancy of such premises.

571 Section 8. Subsection (1) of section 509.151, Florida
572 Statutes, is amended to read:

573 509.151 Obtaining food or lodging with intent to defraud;
574 penalty.—

575 (1) Any person who obtains food, lodging, or other
576 accommodations having a value of less than \$300 at any public
577 food service establishment, or at any transient public lodging
578 establishment, with intent to defraud the operator thereof, is
579 guilty of a misdemeanor of the second degree, punishable as
580 provided in s. 775.082 or s. 775.083; if such food, lodging, or

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581 other accommodations have a value of \$300 or more, such person
582 is guilty of a felony of the third degree, punishable as
583 provided in s. 775.082, s. 775.083, or s. 775.084.

584 Section 9. Paragraphs (b) and (c) of subsection (2) and
585 subsections (6) and (9) of section 509.221, Florida Statutes,
586 are amended to read:

587 509.221 Sanitary regulations.—

588 (2)

589 (b) Within a theme park or an entertainment complex as
590 defined in s. 509.013(12) ~~s. 509.013(9)~~, the bathrooms are not
591 required to be in the same building as the public food service
592 establishment, so long as they are reasonably accessible.

593 (c) Each transient public lodging establishment that does
594 not provide private or connecting bathrooms shall maintain one
595 public bathroom on each floor for every 15 guests, or major
596 fraction of that number, rooming on that floor.

597 (6) Each transient public lodging establishment shall
598 provide each bed, bunk, cot, or other sleeping place for the use
599 of guests with clean pillowslips and under and top sheets.
600 Sheets and pillowslips shall be laundered before they are used
601 by another guest, a clean set being furnished each succeeding
602 guest. All bedding, including mattresses, quilts, blankets,
603 pillows, sheets, and comforters, shall be thoroughly aired,
604 disinfected, and kept clean. Bedding, including mattresses,
605 quilts, blankets, pillows, sheets, or comforters, may not be
606 used if they are worn out or unfit for further use.

607 (9) Subsections (2), (5), and (6) do not apply to any
608 facility or unit classified as a vacation rental, nontransient
609 apartment, or timeshare project as described in s.

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610 509.242(1)(c), (d), and (g). Subsections (2), (5), and (6) do
611 apply, however, to any commercial vacation rental.

612 Section 10. Subsections (1) and (3) of section 509.241,
613 Florida Statutes, are amended to read:

614 509.241 Licenses required; exceptions.—

615 (1) LICENSES; ANNUAL RENEWALS.—Each public lodging
616 establishment and public food service establishment shall obtain
617 a license from the division. Such license may not be transferred
618 from one place or individual to another. It shall be a
619 misdemeanor of the second degree, punishable as provided in s.
620 775.082 or s. 775.083, for such an establishment to operate
621 without a license. Local law enforcement shall provide immediate
622 assistance in pursuing an illegally operating establishment. The
623 division may refuse a license, or a renewal thereof, to any
624 establishment that is not constructed and maintained in
625 accordance with law and with the rules of the division. The
626 division may refuse to issue a license, or a renewal thereof, to
627 any establishment an operator of which, within the preceding 5
628 years, has been adjudicated guilty of, or has forfeited a bond
629 when charged with, any crime reflecting on professional
630 character, including soliciting for prostitution, pandering,
631 letting premises for prostitution, keeping a disorderly place,
632 or illegally dealing in controlled substances as defined in
633 chapter 893, whether in this state or in any other jurisdiction
634 within the United States, or has had a license denied, revoked,
635 or suspended pursuant to s. 429.14. The division may refuse to
636 issue or refuse to renew, or may suspend or revoke, the license
637 of any public lodging establishment that is the subject of a
638 final order from a local government directing the public lodging

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639 establishment to cease operations due to the violation of a
640 local ordinance. Licenses shall be renewed annually, and the
641 division shall adopt a rule establishing a staggered schedule
642 for license renewals. If any license expires while
643 administrative charges are pending against the license, the
644 proceedings against the license shall continue to conclusion as
645 if the license were still in effect.

646 (3) DISPLAY OF LICENSE.—Any license issued by the division
647 shall be conspicuously displayed in the office or lobby of the
648 licensed establishment. Public food service establishments that
649 ~~which~~ offer catering services shall display their license number
650 on all advertising for catering services. A vacation rental
651 operator shall display the vacation rental's license number in
652 all rental listings or advertisements, and, if the operator is
653 offering for rent the whole or any portion of a unit or dwelling
654 through the rental listing or advertisement, the operator must
655 also display the physical address of the property, including any
656 unit designation.

657 Section 11. Paragraphs (c) and (d) of subsection (1) of
658 section 509.242, Florida Statutes, are amended to read:

659 509.242 Public lodging establishments; classifications.—

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

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

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668 dwelling unit that is also a transient public lodging
669 establishment but that is not a timeshare project. The division
670 may require by rule that applicants and licensees provide all
671 information necessary to determine common ownership, control, or
672 management of vacation rentals.

673 (d) *Nontransient apartment.*—A nontransient apartment is a
674 building or complex of buildings in which 75 percent or more of
675 the units are advertised or held out to the public as are
676 available for ~~rent to~~ nontransient occupancy tenants.

677 Section 12. Section 509.243, Florida Statutes, is created
678 to read:

679 509.243 Hosting platforms for transient public lodging
680 establishments.—

681 (1) The operator of a transient public lodging
682 establishment located in this state may not advertise or list
683 its rental properties with a hosting platform unless the hosting
684 platform is registered with the division pursuant to this
685 section.

686 (2) A hosting platform may not advertise for rent,
687 facilitate a guest's reservation, or collect payments for the
688 reservation or rental of a public lodging establishment that is
689 not licensed by the division as required by s. 509.241.

690 (3) A person may not operate as a hosting platform for
691 transient public lodging establishments located in this state
692 unless registered with the division pursuant to this section.
693 The division shall issue a registration to each person who meets
694 the requirements of this section.

695 (4) A hosting platform must designate and maintain on file
696 with the division an agent for service of process in this state.

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697 If the registered agent cannot with reasonable diligence be
698 located, or if the hosting platform fails to designate or
699 maintain a registered agent in this state, the director of the
700 division will be deemed an agent of the hosting platform for
701 purposes of accepting service of any process, notice, or demand.

702 (5) A hosting platform may collect and remit state and
703 local taxes on behalf of the operators of the public lodging
704 establishments which it serves.

705 (6) A hosting platform must maintain records, in accordance
706 with rules adopted by the division, listing each transient
707 public lodging establishment it serves, the name of the
708 operator, the transient public lodging establishment's license
709 number and physical address, including any unit designation, and
710 the applicable certificate of registration number under s.
711 212.18. For each transient public lodging establishment, these
712 records must also detail each period of rental reserved through
713 the hosting platform and the itemized amounts collected from the
714 guest by the hosting platform for the rental, taxes, and all
715 other charges. These records must be maintained by the hosting
716 platform for a period of 3 years and must be transmitted to the
717 division every 3 months in an electronic format, in accordance
718 with rules adopted by the division. The division shall audit
719 such records at least annually to enforce compliance with this
720 chapter. The division may share such records with the Department
721 of Revenue and any county that administers a tax imposed under
722 chapter 125 or chapter 212 for purposes of enforcing compliance
723 with those chapters.

724 (7) A hosting platform that has operated or is operating in
725 violation of this section or the rules of the division may be

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726 subject by the division to fines not to exceed \$1,000 per
727 offense and to suspension, revocation, or refusal of a
728 registration issued pursuant to this section.

729 Section 13. Section 509.4005, Florida Statutes, is amended
730 to read:

731 509.4005 Applicability of ss. 509.401-509.417.—Sections
732 509.401-509.417 apply only to guests in transient occupancy in a
733 licensed public lodging establishment.

734 Section 14. (1) The Department of Revenue, and any county
735 that administers a tax imposed under chapter 125 or chapter 212,
736 Florida Statutes, shall provide an amnesty program for unpaid
737 taxes, penalties, and interest for persons who engage in
738 leasing, renting, letting, or granting licenses to use a
739 vacation rental, as defined in s. 509.242, Florida Statutes,
740 subject to all of the following conditions:

741 (a) A customer's payment for the vacation rental must have
742 been made before October 1, 2019.

743 (b) By October 1, 2019, the person who collects rental
744 payments shall be registered with the department to collect
745 taxes on vacation rentals.

746 (c) By October 1, 2019, the person who collects rental
747 payments shall apply for amnesty pursuant to rules adopted by
748 the department.

749 (d) The owners, operators, or managers of the vacation
750 rental shall have collected the rental payments.

751 (e) Taxes may not have been collected from any customer to
752 occupy a vacation rental.

753 (2) The amnesty program is not available for taxes,
754 penalties, or interest assessed if the assessment is final and

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755 has not been timely challenged, or for any taxes, penalties, or
756 interest that have been paid to the department, unless the
757 payment is the subject of an assessment that is not final or
758 that has been timely challenged.

759 (3) The department may adopt emergency rules under ss.
760 120.536(1) and 120.54(4), Florida Statutes, to implement the
761 amnesty program. Such rules may provide forms, procedures,
762 terms, conditions, and methods of payment appropriate for the
763 fair and effective administration of the amnesty program and
764 which ensure taxpayers' ongoing commitment to proper collection
765 and remittance of taxes. Notwithstanding any other law, the
766 emergency rules remain in effect until 6 months after their
767 adoption or the date all amnesty application files are resolved
768 pursuant to this section, whichever is later.

769 Section 15. Subsection (12) of section 159.27, Florida
770 Statutes, is amended to read:

771 159.27 Definitions.—The following words and terms, unless
772 the context clearly indicates a different meaning, shall have
773 the following meanings:

774 (12) "Public lodging or restaurant facility" means property
775 used for any public lodging establishment as defined in s.
776 509.242 or public food service establishment as defined in s.
777 509.013 ~~s. 509.013(5)~~ if it is part of the complex of, or
778 necessary to, another facility qualifying under this part.

779 Section 16. Paragraph (jj) of subsection (7) of section
780 212.08, Florida Statutes, is amended to read:

781 212.08 Sales, rental, use, consumption, distribution, and
782 storage tax; specified exemptions.—The sale at retail, the
783 rental, the use, the consumption, the distribution, and the

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784 storage to be used or consumed in this state of the following
 785 are hereby specifically exempt from the tax imposed by this
 786 chapter.

787 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
 788 entity by this chapter do not inure to any transaction that is
 789 otherwise taxable under this chapter when payment is made by a
 790 representative or employee of the entity by any means,
 791 including, but not limited to, cash, check, or credit card, even
 792 when that representative or employee is subsequently reimbursed
 793 by the entity. In addition, exemptions provided to any entity by
 794 this subsection do not inure to any transaction that is
 795 otherwise taxable under this chapter unless the entity has
 796 obtained a sales tax exemption certificate from the department
 797 or the entity obtains or provides other documentation as
 798 required by the department. Eligible purchases or leases made
 799 with such a certificate must be in strict compliance with this
 800 subsection and departmental rules, and any person who makes an
 801 exempt purchase with a certificate that is not in strict
 802 compliance with this subsection and the rules is liable for and
 803 shall pay the tax. The department may adopt rules to administer
 804 this subsection.

805 (jj) *Complimentary meals*.—Also exempt from the tax imposed
 806 by this chapter are food or drinks that are furnished as part of
 807 a packaged room rate by any person offering for rent or lease
 808 any transient living accommodations as described in s.
 809 509.013(9)(a) ~~s. 509.013(4)(a)~~ which are licensed under part I
 810 of chapter 509 and which are subject to the tax under s. 212.03,
 811 if a separate charge or specific amount for the food or drinks
 812 is not shown. Such food or drinks are considered to be sold at

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813 retail as part of the total charge for the transient living
814 accommodations. Moreover, the person offering the accommodations
815 is not considered to be the consumer of items purchased in
816 furnishing such food or drinks and may purchase those items
817 under conditions of a sale for resale.

818 Section 17. Paragraph (b) of subsection (4) of section
819 316.1955, Florida Statutes, is amended to read:

820 316.1955 Enforcement of parking requirements for persons
821 who have disabilities.—

822 (4)

823 (b) Notwithstanding paragraph (a), a theme park or an
824 entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~
825 which provides parking in designated areas for persons who have
826 disabilities may allow any vehicle that is transporting a person
827 who has a disability to remain parked in a space reserved for
828 persons who have disabilities throughout the period the theme
829 park is open to the public for that day.

830 Section 18. Subsection (5) of section 404.056, Florida
831 Statutes, is amended to read:

832 404.056 Environmental radiation standards and projects;
833 certification of persons performing measurement or mitigation
834 services; mandatory testing; notification on real estate
835 documents; rules.—

836 (5) NOTIFICATION ON REAL ESTATE DOCUMENTS.—Notification
837 shall be provided on at least one document, form, or application
838 executed at the time of, or prior to, contract for sale and
839 purchase of any building or execution of a rental agreement for
840 any building. Such notification shall contain the following
841 language:

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843 "RADON GAS: Radon is a naturally occurring radioactive gas
844 that, when it has accumulated in a building in sufficient
845 quantities, may present health risks to persons who are exposed
846 to it over time. Levels of radon that exceed federal and state
847 guidelines have been found in buildings in Florida. Additional
848 information regarding radon and radon testing may be obtained
849 from your county health department."

850

851 The requirements of this subsection do not apply to any
852 residential transient occupancy, as described in s. 509.013 ~~s.~~
853 ~~509.013(12)~~, provided that such occupancy is 45 days or less in
854 duration.

855 Section 19. Subsection (6) of section 477.0135, Florida
856 Statutes, is amended to read:

857 477.0135 Exemptions.—

858 (6) A license is not required of any individual providing
859 makeup or special effects services in a theme park or an
860 entertainment complex to an actor, stunt person, musician,
861 extra, or other talent, or providing makeup or special effects
862 services to the general public. The terms ~~term~~ "theme park" or
863 "entertainment complex" have ~~has~~ the same meaning as in s.
864 509.013 ~~s. 509.013(9)~~.

865 Section 20. Paragraph (b) of subsection (5) of section
866 553.5041, Florida Statutes, is amended to read:

867 553.5041 Parking spaces for persons who have disabilities.—

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

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871 (b) If there are multiple entrances or multiple retail
872 stores, the parking spaces must be dispersed to provide parking
873 at the nearest accessible entrance. If a theme park or an
874 entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~
875 provides parking in several lots or areas from which access to
876 the theme park or entertainment complex is provided, a single
877 lot or area may be designated for parking by persons who have
878 disabilities, if the lot or area is located on the shortest
879 accessible route to an accessible entrance to the theme park or
880 entertainment complex or to transportation to such an accessible
881 entrance.

882 Section 21. Section 717.1355, Florida Statutes, is amended
883 to read:

884 717.1355 Theme park and entertainment complex tickets.—This
885 chapter does not apply to any tickets for admission to a theme
886 park or an entertainment complex as defined in s. 509.013 ~~s.~~
887 ~~509.013(9)~~, or to any tickets to a permanent exhibition or
888 recreational activity within such theme park or entertainment
889 complex.

890 Section 22. Subsection (8) of section 877.24, Florida
891 Statutes, is amended to read:

892 877.24 Nonapplication of s. 877.22.—Section 877.22 does not
893 apply to a minor who is:

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

897 Section 23. Except as otherwise expressly provided in this
898 act and except for this section, which shall take effect upon
899 this act becoming a law, this act shall take effect October 1,

900

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