

1                   A bill to be entitled  
 2           An act relating to vacation rentals; amending s.  
 3           509.032, F.S.; providing legislative findings;  
 4           preempting to the state regulation of vacation  
 5           rentals; providing an exception; amending s. 509.241,  
 6           F.S.; revising application requirements for vacation  
 7           rental licensure; requiring the Division of Hotels and  
 8           Restaurants of the Department of Business and  
 9           Professional Regulation to make certain vacation  
 10          rental license information available to the public on  
 11          its website; providing an effective date.

12  
 13 Be It Enacted by the Legislature of the State of Florida:  
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15           Section 1. Paragraph (b) of subsection (7) of section  
 16           509.032, Florida Statutes, is amended to read:

17           509.032 Duties.—

18           (7) PREEMPTION AUTHORITY.—

19           (b) 1. The Legislature finds that:

20           a. Property owners who use their residential 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 the state's tourism industry, and that role,

26 including the factors related to the ownership and operation of  
27 such rentals, is different from other types of public lodging  
28 establishments.

29 c. Vacation rentals are residential in nature, residential  
30 in use, and allowed in residential neighborhoods.

31 2. Except as provided in this paragraph, the regulation of  
32 vacation rentals, including, but not limited to, inspection,  
33 licensing, and occupancy limits, is preempted to the state.

34 3. A local law, ordinance, or regulation may regulate  
35 activities that arise when a residential property is used as a  
36 vacation rental, provided that such law, ordinance, or  
37 regulation applies uniformly to all residential properties  
38 without regard to whether the residential property is used as a  
39 vacation rental, as defined in s. 509.242, or a long-term rental  
40 subject to chapter 83, or whether a property owner chooses not  
41 to use his or her residential property as a vacation rental.

42 However, a local law, ordinance, or regulation may not prohibit  
43 vacation rentals, impose occupancy limits, or regulate the  
44 duration or frequency of ~~rental of vacation~~ rentals. A local  
45 law, ordinance, or regulation may not authorize or require the  
46 inspection or licensing of a vacation rental. A court shall  
47 determine whether a local law, ordinance, or regulation complies  
48 with this paragraph. If an action is brought pursuant to this  
49 paragraph, the local government that enacted the local law,  
50 ordinance, or regulation shall establish by clear and convincing

51 evidence that such local law, ordinance, or regulation complies  
52 with this paragraph ~~This paragraph does not apply to any local~~  
53 ~~law, ordinance, or regulation adopted on or before June 1, 2011.~~

54 Section 2. Subsection (2) of section 509.241, Florida  
55 Statutes, is amended to read:

56 509.241 Licenses required; exceptions.—

57 (2) APPLICATION FOR LICENSE.—Each person who plans to open  
58 a public lodging establishment or a public food service  
59 establishment shall apply for and receive a license from the  
60 division before ~~prior to~~ the commencement of operation. A  
61 condominium association, as defined in s. 718.103, which does  
62 not own any units classified as vacation rentals or timeshare  
63 projects under s. 509.242(1)(c) or (g) is not required to apply  
64 for or receive a public lodging establishment license. A person  
65 applying for a public lodging establishment license for a  
66 vacation rental as described in s. 509.242(1)(c) shall provide  
67 the name, mailing address, telephone number, and email address  
68 of a person who can be contacted by the division when a  
69 complaint related to a vacation rental is reported. The division  
70 shall make vacation rental license information, including the  
71 contact person, available to the public on its website.

72 Section 3. This act shall take effect July 1, 2019.