1	A bill to be entitled
2	An act relating to public lodging establishments;
3	amending s. 509.032, F.S.; providing legislative
4	findings; preempting to the state regulation of
5	vacation rentals; providing construction; providing an
6	exception; providing applicability; amending s.
7	509.111, F.S.; requiring an operator of a public
8	lodging establishment that is used as a vacation
9	rental to maintain specified liability insurance;
10	amending s. 509.241, F.S.; revising application
11	requirements for vacation rental licensure; requiring
12	the Division of Hotels and Restaurants of the
13	Department of Business and Professional Regulation to
14	make certain vacation rental license information
15	available to the public on its website; creating s.
16	509.245, F.S.; requiring sexual offenders to register
17	with the local sheriff's office before arrival at a
18	public lodging establishment; requiring operators of
19	public lodging establishments to notify specified
20	guests; providing penalties; requiring online
21	advertisements or postings of public lodging
22	establishments to include certain information;
23	providing an effective date.
24	
25	Be It Enacted by the Legislature of the State of Florida:

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26

27   Section 1. Paragraph (b) of subsection (7) of section

28 509.032, Florida Statutes, is amended, and paragraph (d) is

29 added to that subsection, to read:

30   509.032 Duties.—

31   (7) PREEMPTION AUTHORITY.—

32   (b)1. The Legislature finds that:

33   a. Property owners who use their residential property as a

34 vacation rental have constitutionally protected property rights

35 and other rights that must be protected, including the right to

36 use their residential property as a vacation rental.

37   b. Vacation rentals play a significant, unique, and

38 critical role in the state's tourism industry, and that role,

39 including the factors related to the ownership and operation of

40 such rentals, is different from other types of public lodging

41 establishments.

42   c. Vacation rentals are residential in nature, residential

43 in use, and allowed in residential neighborhoods.

44   2. Except as provided in this paragraph, the regulation of

45 vacation rentals, including, but not limited to, inspection,

46 licensing, and occupancy limits, is preempted to the state. This

47 subparagraph does not preempt the authority of a local

48 government to regulate any advertising platform provided by or

49 through a company that is on the Scrutinized Companies that

50 Boycott Israel List created pursuant to s. 215.4725 or by or

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51 through any company that is under common ownership or control

52 with a scrutinized company.

53 　　　3.　A local law, ordinance, or regulation may regulate

54 activities that arise when a residential property is used as a

55 vacation rental, provided that such law, ordinance, or

56 regulation applies uniformly to all residential properties

57 without regard to whether the residential property is used as a

58 vacation rental, as defined in s. 509.242, or a long-term rental

59 subject to chapter 83, or whether a property owner chooses not

60 to use his or her residential property as a vacation rental.

61 However, a local law, ordinance, or regulation may not prohibit

62 vacation rentals, impose occupancy limits, or regulate the

63 duration or frequency of ~~rental of vacation~~ rentals. A local

64 law, ordinance, or regulation may not authorize or require the

65 inspection or licensing of a vacation rental. A court shall

66 determine whether a local law, ordinance, or regulation complies

67 with this paragraph. If an action is brought pursuant to this

68 paragraph, the local government that enacted the local law,

69 ordinance, or regulation shall establish by clear and convincing

70 evidence that such local law, ordinance, or regulation complies

71 with this paragraph ~~This paragraph does not apply to any local~~

72 ~~law, ordinance, or regulation adopted on or before June 1, 2011~~.

73 　　　(d)　Nothing in this subsection shall supersede any current

74 or future article of incorporation, declaration, or bylaw

75 adopted pursuant to chapter 718; cooperative document adopted

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76 pursuant to chapter 719; or governing document adopted pursuant

77 to chapter 720.

78   Section 2. Subsection (3) is added to section 509.111,

79 Florida Statutes, to read:

80   509.111 Liability for property of guests.—

81   (3) The operator of a public lodging establishment that is

82 used as a vacation rental must maintain liability insurance

83 coverage equal to the insurance requirements for long-term

84 rentals covered by chapter 83.

85   Section 3. Subsection (2) of section 509.241, Florida

86 Statutes, is amended to read:

87   509.241 Licenses required; exceptions.—

88   (2) APPLICATION FOR LICENSE.—Each person who plans to open

89 a public lodging establishment or a public food service

90 establishment shall apply for and receive a license from the

91 division before ~~prior to~~ the commencement of operation. A

92 condominium association, as defined in s. 718.103, which does

93 not own any units classified as vacation rentals or timeshare

94 projects under s. 509.242(1)(c) or (g) is not required to apply

95 for or receive a public lodging establishment license. A person

96 applying for a public lodging establishment license for a

97 vacation rental as described in s. 509.242(1)(c) shall provide

98 the name, mailing address, telephone number, and email address

99 of a person who can be contacted by the division when a

100 complaint related to a vacation rental is reported. The division

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101 shall make vacation rental license information, including the
102 contact person, available to the public on its website.
103   Section 4. Section 509.245, Florida Statutes, is created
104 to read:
105   509.245 Certain registration for public lodging
106 establishments.—A sexual offender as defined in s. 944.606(1)
107 must, 48 hours before arrival at a public lodging establishment
108 as defined in s. 509.242, register at the sheriff's office in
109 the county where the sexual offender is temporarily residing
110 following the process set forth in s. 775.21, regardless of the
111 length of residence at the public lodging establishment. An
112 operator of a public lodging establishment who has been notified
113 that a sexual offender is residing at his or her property or
114 within 1,000 feet of such property must notify all other guests
115 residing at such property. The division may fine, suspend, or
116 revoke the license of any operator of a public lodging
117 establishment if the operator does not comply with the
118 requirements of this section. Any online advertisement or
119 posting of a public lodging establishment must prominently
120 display the actual physical street address of the public lodging
121 establishment and a link to the public registry maintained by
122 the Department of Law Enforcement pursuant to s. 943.043 of
123 information regarding sexual predators and sexual offenders.
124 Such advertisement or posting must also prominently display a
125 link to s. 943.0435 and state "Every sexual offender and sexual

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126 predator intending to temporarily reside at a public lodging

127 establishment located in Florida is required by law to register

128 in accordance with s. 509.245, Florida Statutes."

129   Section 5. This act shall take effect July 1, 2019.

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