

By Senator Pizzo

38-01669A-21

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1 A bill to be entitled
2 An act relating to vacation rentals; amending s.
3 509.032, F.S.; authorizing local governmental entities
4 to adopt and apply certain regulations and ordinances
5 to vacation rentals under certain circumstances;
6 providing exceptions; amending s. 509.241, F.S.;
7 requiring an applicant for a vacation rental license
8 to provide the Division of Hotels and Restaurants of
9 the Department of Business and Professional Regulation
10 with certain information; providing an effective date.

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

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14 Section 1. Paragraph (b) of subsection (7) of section
15 509.032, Florida Statutes, is amended to read:

16 509.032 Duties.—

17 (7) PREEMPTION AUTHORITY.—

18 (b) A local law, ordinance, or regulation may not prohibit
19 the siting of vacation rentals or regulate the duration or
20 frequency of rental of vacation rentals. However, a county or
21 municipality may adopt and apply zoning regulations, land
22 development regulations, or other ordinances to vacation
23 rentals, so long as such requirements do not have the effect of
24 prohibiting the siting of vacation rentals within the county or
25 municipality. The prohibitions imposed by this paragraph do-
26 ~~This paragraph does not apply to any local law, ordinance, or~~
27 regulation adopted on or before June 1, 2011, including when
28 such law, ordinance, or regulation is being amended.

29 Section 2. Subsection (2) of section 509.241, Florida

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30 Statutes, is amended to read:

31 509.241 Licenses required; exceptions.-

32 (2) APPLICATION FOR LICENSE.-Each person who plans to open
33 a public lodging establishment or a public food service
34 establishment shall apply for and receive a license from the
35 division before ~~prior to~~ the commencement of operation.

36 (a) A condominium association, as defined in s. 718.103,
37 which does not own any units classified as vacation rentals or
38 timeshare projects under s. 509.242(1)(c) or (g) is not required
39 to apply for or receive a public lodging establishment license.

40 (b) An applicant for a license for a vacation rental must
41 provide the division with all of the following information:

42 1. Proof of inspection and compliance with county,
43 municipal, building, zoning, and firesafety codes reflecting a
44 change in use from a single-family or multi-family residential
45 dwelling to a transient public lodging establishment.

46 2. Proof that the underlying homeowner's insurance policy
47 allows the structure to be used as a transient public lodging
48 establishment.

49 3. A signed affidavit from the chief executive of the
50 municipality, or the county if the property is in an
51 unincorporated area, where the property is located confirming
52 that operating a vacation rental at that address is allowed.

53 4. If the property owner has an underlying commercial
54 mortgage, proof that the commercial mortgage is not in conflict
55 with any prohibitions related to commercial activity in single-
56 family or multi-family residential zones.

57 Section 3. This act shall take effect July 1, 2021.