

Amendment No. 1

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WITHDRAWN	_____	(Y/N)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: Regulatory Reform
 2 Subcommittee

3 Representative Fischer offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Effective January 1, 2022, subsection (2) of
 8 section 212.03, Florida Statutes is amended to read:

9 212.03 Transient rentals tax; rate, procedure,
 10 enforcement, exemptions.—

11 (2) (a) The tax provided for herein shall be in addition to
 12 the total amount of the rental, shall be charged by the lessor
 13 or person receiving the rent in and by said rental arrangement
 14 to the lessee or person paying the rental, and shall be due and
 15 payable at the time of the receipt of such rental payment by the
 16 lessor or person, as defined in this chapter, who receives said

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17 rental or payment. The owner, lessor, or person receiving the
18 rent shall remit the tax to the department at the times and in
19 the manner hereinafter provided for dealers to remit taxes under
20 this chapter. The same duties imposed by this chapter upon
21 dealers in tangible personal property respecting the collection
22 and remission of the tax; the making of returns; the keeping of
23 books, records, and accounts; and the compliance with the rules
24 and regulations of the department in the administration of this
25 chapter shall apply to and be binding upon all persons who
26 manage or operate hotels, apartment houses, roominghouses,
27 tourist and trailer camps, and the rental of condominium units,
28 and to all persons who collect or receive such rents on behalf
29 of such owner or lessor taxable under this chapter.

30 (b) If a guest uses a payment system on or through an
31 advertising platform, as defined in s. 509.013, to pay for the
32 rental of a vacation rental located in this state, the
33 advertising platform must collect and remit all taxes imposed
34 under s. 205.044 and chapters 125 and 212 on the total rental
35 amount charged by the owner or operator for the use of the
36 vacation rental under ss. 125.0104 and 205.044 and this section.
37 In order to facilitate the remittance of such taxes, the
38 department and jurisdictions that require such taxes to be
39 remitted must allow advertising platforms to register, collect,
40 and remit such taxes.

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41 Section 2. Section 509.013, Florida Statutes, is reordered
42 and amended to read:

43 509.013 Definitions.—As used in this chapter, the term:

44 (1) "Advertising platform" means a person who:

45 (a) Provides an online application, software, website, or
46 system through which a vacation rental located in this state is
47 advertised or held out to the public as available to rent for
48 transient occupancy;

49 (b) Provides or maintains a marketplace for the renting by
50 transient occupancy of a vacation rental; and

51 (c) Provides a reservation or payment system that
52 facilitates a transaction for the renting by transient occupancy
53 of a vacation rental and for which the person collects or
54 receives, directly or indirectly, a fee in connection with the
55 reservation or payment service provided for such transaction.

56 (2) ~~(6)~~ "Director" means the Director of the Division of
57 Hotels and Restaurants of the Department of Business and
58 Professional Regulation.

59 (3) ~~(1)~~ "Division" means the Division of Hotels and
60 Restaurants of the Department of Business and Professional
61 Regulation.

62 (4) ~~(3)~~ "Guest" means any patron, customer, tenant, lodger,
63 boarder, or occupant of a public lodging establishment or public
64 food service establishment.

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65 ~~(5)-(16)~~ "Nontransient" means a guest in nontransient
66 occupancy.

67 ~~(6)-(14)~~ "Nontransient establishment" means any public
68 lodging establishment that is rented or leased to guests by an
69 operator whose intention is that the dwelling unit occupied will
70 be the sole residence of the guest.

71 ~~(7)-(15)~~ "Nontransient occupancy" means occupancy when it
72 is the intention of the parties that the occupancy will not be
73 temporary. There is a rebuttable presumption that, when the
74 dwelling unit occupied is the sole residence of the guest, the
75 occupancy is nontransient.

76 ~~(8)-(2)~~ "Operator" means the owner, licensee, proprietor,
77 lessee, manager, assistant manager, or appointed agent of a
78 public lodging establishment or public food service
79 establishment.

80 ~~(9)(a)-(5)(a)~~ "Public food service establishment" means any
81 building, vehicle, place, or structure, or any room or division
82 in a building, vehicle, place, or structure where food is
83 prepared, served, or sold for immediate consumption on or in the
84 vicinity of the premises; called for or taken out by customers;
85 or prepared before ~~prior to~~ being delivered to another location
86 for consumption. The term includes a culinary education program,
87 as defined in s. 381.0072(2), which offers, prepares, serves, or
88 sells food to the general public, regardless of whether it is

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89 inspected by another state agency for compliance with sanitation
90 standards.

91 (b) The following are excluded from the definition in
92 paragraph (a):

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

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

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

98 2. Any eating place maintained and operated by a church or
99 a religious, nonprofit fraternal, or nonprofit civic
100 organization:

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

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

104

105 Upon request by the division, a church or a religious, nonprofit
106 fraternal, or nonprofit civic organization claiming an exclusion
107 under this subparagraph must provide the division documentation
108 of its status as a church or a religious, nonprofit fraternal,
109 or nonprofit civic organization.

110 3. Any eating place maintained and operated by an
111 individual or entity at a food contest, cook-off, or a temporary
112 event lasting from 1 to 3 days which is hosted by a church or a
113 religious, nonprofit fraternal, or nonprofit civic organization.

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114 Upon request by the division, the event host must provide the
115 division documentation of its status as a church or a religious,
116 nonprofit fraternal, or nonprofit civic organization.

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

119 5. Any eating place maintained by a facility certified or
120 licensed and regulated by the Agency for Health Care
121 Administration or the Department of Children and Families or
122 other similar place that is regulated under s. 381.0072.

123 6. Any place of business issued a permit or inspected by
124 the Department of Agriculture and Consumer Services under s.
125 500.12.

126 7. Any place of business where the food available for
127 consumption is limited to ice, beverages with or without
128 garnishment, popcorn, or prepackaged items sold without
129 additions or preparation.

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

133 9. Any vending machine that dispenses any food or
134 beverages other than potentially hazardous foods, as defined by
135 division rule.

136 10. Any vending machine that dispenses potentially
137 hazardous food and which is located in a facility regulated
138 under s. 381.0072.

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139 11. Any research and development test kitchen limited to
140 the use of employees and which is not open to the general
141 public.

142 ~~(10) (a) (4) (a)~~ "Public lodging establishment" includes a
143 transient public lodging establishment as defined in
144 subparagraph 1. and a nontransient public lodging establishment
145 as defined in subparagraph 2.

146 1. "Transient public lodging establishment" means any
147 unit, group of units, dwelling, building, or group of buildings
148 within a single complex of buildings which is rented to guests
149 more than three times in a calendar year for periods of less
150 than 30 days or 1 calendar month, whichever is less, or which is
151 advertised or held out to the public as a place regularly rented
152 to guests.

153 2. "Nontransient public lodging establishment" means any
154 unit, group of units, dwelling, building, or group of buildings
155 within a single complex of buildings which is rented to guests
156 for periods of at least 30 days or 1 calendar month, whichever
157 is less, or which is advertised or held out to the public as a
158 place regularly rented to guests for periods of at least 30 days
159 or 1 calendar month.

160

161 License classifications of public lodging establishments, and
162 the definitions therefor, are set out in s. 509.242. For the

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

165 (b) The following are excluded from the definitions in
166 paragraph (a):

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

170 2. Any facility certified or licensed and regulated by the
171 Agency for Health Care Administration or the Department of
172 Children and Families or other similar place regulated under s.
173 381.0072.

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

177 4. Any unit or group of units in a condominium,
178 cooperative, or timeshare plan and any individually or
179 collectively owned one-family, two-family, three-family, or
180 four-family dwelling house or dwelling unit that is rented for
181 periods of at least 30 days or 1 calendar month, whichever is
182 less, and that is not advertised or held out to the public as a
183 place regularly rented for periods of less than 1 calendar
184 month, provided that no more than four rental units within a
185 single complex of buildings are available for rent.

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186 5. Any migrant labor camp or residential migrant housing
187 permitted by the Department of Health under ss. 381.008-
188 381.00895.

189 6. Any establishment inspected by the Department of Health
190 and regulated by chapter 513.

191 7. Any nonprofit organization that operates a facility
192 providing housing only to patients, patients' families, and
193 patients' caregivers and not to the general public.

194 8. Any apartment building inspected by the United States
195 Department of Housing and Urban Development or other entity
196 acting on the department's behalf that is designated primarily
197 as housing for persons at least 62 years of age. The division
198 may require the operator of the apartment building to attest in
199 writing that such building meets the criteria provided in this
200 subparagraph. The division may adopt rules to implement this
201 requirement.

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

206 ~~(11)(7)~~ "Single complex of buildings" means all buildings
207 or structures that are owned, managed, controlled, or operated
208 under one business name and are situated on the same tract or
209 plot of land that is not separated by a public street or
210 highway.

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211 ~~(12)(8)~~ "Temporary food service event" means any event of
212 30 days or less in duration where food is prepared, served, or
213 sold to the general public.

214 ~~(13)(9)~~ "Theme park or entertainment complex" means a
215 complex comprised of at least 25 contiguous acres owned and
216 controlled by the same business entity and which contains
217 permanent exhibitions and a variety of recreational activities
218 and has a minimum of 1 million visitors annually.

219 ~~(14)(10)~~ "Third-party provider" means, for purposes of s.
220 509.049, any provider of an approved food safety training
221 program that provides training or such a training program to a
222 public food service establishment that is not under common
223 ownership or control with the provider.

224 ~~(15)(13)~~ "Transient" means a guest in transient occupancy.

225 ~~(16)(11)~~ "Transient establishment" means any public
226 lodging establishment that is rented or leased to guests by an
227 operator whose intention is that such guests' occupancy will be
228 temporary.

229 ~~(17)(12)~~ "Transient occupancy" means occupancy when it is
230 the intention of the parties that the occupancy will be
231 temporary. There is a rebuttable presumption that, when the
232 dwelling unit occupied is not the sole residence of the guest,
233 the occupancy is transient.

234 Section 3. Paragraph (c) of subsection (3) and subsection
235 (7) of section 509.032, Florida Statutes, are amended to read:

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236 509.032 Duties.—

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

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

242 1. Sponsors of temporary food service events shall notify
243 the division not less than 3 days before the scheduled event of
244 the type of food service proposed, the time and location of the
245 event, a complete list of food service vendors participating in
246 the event, the number of individual food service facilities each
247 vendor will operate at the event, and the identification number
248 of each food service vendor's current license as a public food
249 service establishment or temporary food service event licensee.
250 Notification may be completed orally, by telephone, in person,
251 or in writing. A public food service establishment or food
252 service vendor may not use this notification process to
253 circumvent the license requirements of this chapter.

254 2. The division shall keep a record of all notifications
255 received for proposed temporary food service events and shall
256 provide appropriate educational materials to the event sponsors
257 and notify the event sponsors of the availability of the food-
258 recovery brochure developed under s. 595.420.

259 3.a. Unless excluded under s. 509.013 ~~s. 509.013(5)(b)~~, a
260 public food service establishment or other food service vendor

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261 must obtain one of the following classes of license from the
262 division: an individual license, for a fee of no more than \$105,
263 for each temporary food service event in which it participates;
264 or an annual license, for a fee of no more than \$1,000, that
265 entitles the licensee to participate in an unlimited number of
266 food service events during the license period. The division
267 shall establish license fees, by rule, and may limit the number
268 of food service facilities a licensee may operate at a
269 particular temporary food service event under a single license.

270 b. Public food service establishments holding current
271 licenses from the division may operate under the regulations of
272 such a license at temporary food service events.

273 (7) PREEMPTION AUTHORITY.—

274 (a) The regulation of public lodging establishments,
275 including vacation rentals, and public food service
276 establishments, including, but not limited to, sanitation
277 standards, licensing, inspections, training and testing of
278 personnel, and matters related to the nutritional content and
279 marketing of foods offered in such establishments, is expressly
280 preempted to the state. A local law, ordinance, or regulation
281 may not allow or require the local inspection or licensing of
282 public lodging establishments, including vacation rentals, or
283 public food service establishments. This paragraph does not
284 preempt the authority of a local government or local enforcement
285 district to conduct inspections of public lodging and public

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286 food service establishments for compliance with the Florida
287 Building Code and the Florida Fire Prevention Code, pursuant to
288 ss. 553.80 and 633.206.

289 (b) A local law, ordinance, or regulation may regulate
290 activities that arise when a property is used as a vacation
291 rental if the law, ordinance, or regulation applies uniformly to
292 all residential properties without regard to whether the
293 property is used as a vacation rental as defined in s. 509.242,
294 the property is used as a long-term rental subject to chapter
295 83, or the property owner chooses not to rent the property.
296 However, a local law, ordinance, or regulation may not prohibit
297 vacation rentals or regulate the duration or frequency of rental
298 of vacation rentals. The prohibitions set forth in this
299 paragraph do ~~does~~ not apply to any local law, ordinance, or
300 regulation adopted on or before June 1, 2011, including when
301 such law, ordinance, or regulation is being amended to be less
302 restrictive with regard to a prohibition, duration, or frequency
303 regulation.

304 (c) Paragraph (b) and the provisions of paragraph (a)
305 relating to the licensing of vacation rentals do ~~does~~ not apply
306 to any local law, ordinance, or regulation adopted on or before
307 June 1, 2011, in any jurisdiction within exclusively relating to
308 property valuation as a criterion for vacation rental if the
309 local law, ordinance, or regulation is required to be approved
310 by the state land planning agency pursuant to an area of

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311 critical state concern, as designated by s. 380.0552 or chapter
312 28-36, Florida Administrative Code. Any such local law,
313 ordinance, or regulation may be amended so long as the amendment
314 is not more restrictive than the existing local law, ordinance,
315 or regulation.

316 (d) The regulation of advertising platforms is preempted
317 to the state and advertising platforms shall be regulated under
318 this chapter designation.

319 Section 4. Effective January 1, 2022, subsection (3) of
320 section 509.241, Florida Statutes, is amended to read:

321 509.241 Licenses required; exceptions.—

322 (3) DISPLAY OF LICENSE.—Any license issued by the division
323 must shall be conspicuously displayed to the public inside in
324 the office or lobby of the licensed establishment. Public food
325 service establishments that which offer catering services must
326 shall display their license number on all advertising for
327 catering services. The owner or operator of a vacation rental
328 offered for transient occupancy through an advertising platform
329 must also display the vacation rental license number and the
330 applicable Florida sales tax registration and tourist
331 development tax account numbers under which such taxes must be
332 paid for each rental of the property as a vacation rental.

333 Section 5. Effective January 1, 2022, section 509.243,
334 Florida Statutes, is created to read:

335 509.243 Advertising platforms.—

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336 (1) (a) An advertising platform must require that a person
337 who places an advertisement for the rental of a vacation rental:

338 1. Include in the advertisement the vacation rental
339 license number and the applicable Florida sales tax registration
340 and tourist development tax account numbers under which such
341 taxes must be paid before the advertisement may be listed; and

342 2. Attest to the best of their knowledge that the license
343 number for the vacation rental property and the applicable tax
344 numbers are current, valid, and accurately stated in the
345 advertisement.

346 (b) An advertising platform must display the vacation
347 rental license number and applicable Florida sales tax
348 registration and tourist development tax numbers. The
349 advertising platform must verify that the vacation rental
350 license number provided by the owner or operator is valid and
351 applies to the subject vacation rental before publishing the
352 advertisement on its platform and again at the end of each
353 calendar quarter that the advertisement remains on its platform.

354 (c) The division shall maintain vacation rental license
355 information in a readily accessible electronic format that is
356 sufficient to facilitate prompt compliance with the requirements
357 of this subsection by an advertising platform or a person
358 placing an advertisement on an advertising platform for
359 transient rental of a vacation rental.

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360 (2) An advertising platform must provide to the division
361 on a quarterly basis, by file transfer protocol or electronic
362 data exchange file, a list of all vacation rentals located in
363 this state that are advertised on its platform, along with the
364 following information for each vacation rental:

365 (a) The uniform resource locator for the Internet address
366 of the vacation rental advertisement.

367 (b) Unless otherwise stated in the vacation rental
368 advertisement at the Internet address provided pursuant to
369 paragraph (a), the physical address of the vacation rental,
370 including any unit designation, the vacation rental license
371 number provided by the owner or operator, and the applicable
372 Florida sales tax registration and tourist development tax
373 account numbers under which taxes will be remitted for the
374 rentals commenced through the advertisement.

375 (3) An advertising platform must remove from public view
376 an advertisement or listing from its online application,
377 software, website, or system within 15 business days after being
378 notified by the division in writing that the subject
379 advertisement or listing for the rental of a vacation rental
380 located in this state fails to display a valid license number
381 issued by the division.

382 (4) If the division has probable cause to believe that a
383 person not licensed by the division has violated this chapter or
384 any rule adopted pursuant to this chapter, the division may

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385 issue and deliver to such person a notice to cease and desist
386 from the violation. The issuance of a notice to cease and desist
387 does not constitute agency action for which a hearing under ss.
388 120.569 and 120.57 may be sought. For the purpose of enforcing a
389 cease and desist notice, the division may file a proceeding in
390 the name of the state seeking the issuance of an injunction or a
391 writ of mandamus against any person who violates any provision
392 of the notice. If the department is required to seek enforcement
393 of the notice for a penalty pursuant to s. 120.569, it is
394 entitled to collect its attorney fees and costs, together with
395 any cost of collection.

396 (5) Advertising platforms must adopt an antidiscrimination
397 policy to help prevent discrimination among their users and must
398 inform all users of their services that it is illegal to refuse
399 accommodation to an individual based on race, creed, color, sex,
400 pregnancy, physical disability, or national origin pursuant to
401 s. 509.092.

402 Section 6. Paragraph (n) of subsection (2) of section
403 775.21, Florida Statutes, is amended to read:

404 775.21 The Florida Sexual Predators Act.—

405 (2) DEFINITIONS.—As used in this section, the term:

406 (n) "Temporary residence" means a place where a ~~the~~ person
407 abides, lodges, or resides, including, but not limited to,
408 vacation, business, or personal travel destinations in or out of
409 this state, for a period of 3 or more days in the aggregate

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410 during any calendar year and which is not the person's permanent
411 address or, for a person whose permanent residence is not in
412 this state, a place where the person is employed, practices a
413 vocation, or is enrolled as a student for any period of time in
414 this state. The term also includes a place where a person lodges
415 in a vacation rental, as defined in s. 509.242, for 24 hours or
416 more.

417 Section 7. Subsection (12) of section 159.27, Florida
418 Statutes, is amended to read:

419 159.27 Definitions.—The following words and terms, unless
420 the context clearly indicates a different meaning, shall have
421 the following meanings:

422 (12) "Public lodging or restaurant facility" means
423 property used for any public lodging establishment as defined in
424 s. 509.242 or public food service establishment as defined in s.
425 509.013 ~~s. 509.013(5)~~ if it is part of the complex of, or
426 necessary to, another facility qualifying under this part.

427 Section 8. Paragraph (jj) of subsection (7) of section
428 212.08, Florida Statutes, is amended to read:

429 212.08 Sales, rental, use, consumption, distribution, and
430 storage tax; specified exemptions.—The sale at retail, the
431 rental, the use, the consumption, the distribution, and the
432 storage to be used or consumed in this state of the following
433 are hereby specifically exempt from the tax imposed by this
434 chapter.

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435 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
436 entity by this chapter do not inure to any transaction that is
437 otherwise taxable under this chapter when payment is made by a
438 representative or employee of the entity by any means,
439 including, but not limited to, cash, check, or credit card, even
440 when that representative or employee is subsequently reimbursed
441 by the entity. In addition, exemptions provided to any entity by
442 this subsection do not inure to any transaction that is
443 otherwise taxable under this chapter unless the entity has
444 obtained a sales tax exemption certificate from the department
445 or the entity obtains or provides other documentation as
446 required by the department. Eligible purchases or leases made
447 with such a certificate must be in strict compliance with this
448 subsection and departmental rules, and any person who makes an
449 exempt purchase with a certificate that is not in strict
450 compliance with this subsection and the rules is liable for and
451 shall pay the tax. The department may adopt rules to administer
452 this subsection.

453 (jj) Complimentary meals.—Also exempt from the tax imposed
454 by this chapter are food or drinks that are furnished as part of
455 a packaged room rate by any person offering for rent or lease
456 any transient living accommodations as described in s. 509.013
457 ~~s. 509.013(4)(a)~~ which are licensed under part I of chapter 509
458 and which are subject to the tax under s. 212.03, if a separate
459 charge or specific amount for the food or drinks is not shown.

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460 Such food or drinks are considered to be sold at retail as part
461 of the total charge for the transient living accommodations.
462 Moreover, the person offering the accommodations is not
463 considered to be the consumer of items purchased in furnishing
464 such food or drinks and may purchase those items under
465 conditions of a sale for resale.

466 Section 9. Paragraph (b) of subsection (4) of section
467 316.1955, Florida Statutes, is amended to read:

468 316.1955 Enforcement of parking requirements for persons
469 who have disabilities.—

470 (4)

471 (b) Notwithstanding paragraph (a), a theme park or an
472 entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~
473 which provides parking in designated areas for persons who have
474 disabilities may allow any vehicle that is transporting a person
475 who has a disability to remain parked in a space reserved for
476 persons who have disabilities throughout the period the theme
477 park is open to the public for that day.

478 Section 10. Subsection (5) of section 404.056, Florida
479 Statutes, is amended to read:

480 404.056 Environmental radiation standards and projects;
481 certification of persons performing measurement or mitigation
482 services; mandatory testing; notification on real estate
483 documents; rules.—

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484 (5) NOTIFICATION ON REAL ESTATE DOCUMENTS.—Notification
485 shall be provided on at least one document, form, or application
486 executed at the time of, or prior to, contract for sale and
487 purchase of any building or execution of a rental agreement for
488 any building. Such notification shall contain the following
489 language:

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

497 The requirements of this subsection do not apply to any
498 residential transient occupancy, as described in s. 509.013 ~~s.~~
499 ~~509.013(12)~~, provided that such occupancy is 45 days or less in
500 duration.

501 Section 11. Subsection (6) of section 477.0135, Florida
502 Statutes, is amended to read:

503 477.0135 Exemptions.—

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

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509 entertainment complex" has the same meaning as in s. 509.013 ~~s.~~
510 ~~509.013(9)~~.

511 Section 12. Paragraph (b) of subsection (2) of section
512 509.221, Florida Statutes, is amended to read:

513 509.221 Sanitary regulations.—

514 (2)

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

519 Section 13. Paragraph (b) of subsection (5) of section
520 553.5041, Florida Statutes, is amended to read:

521 553.5041 Parking spaces for persons who have
522 disabilities.—

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

526 (b) If there are multiple entrances or multiple retail
527 stores, the parking spaces must be dispersed to provide parking
528 at the nearest accessible entrance. If a theme park or an
529 entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~
530 provides parking in several lots or areas from which access to
531 the theme park or entertainment complex is provided, a single
532 lot or area may be designated for parking by persons who have
533 disabilities, if the lot or area is located on the shortest

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534 accessible route to an accessible entrance to the theme park or
535 entertainment complex or to transportation to such an accessible
536 entrance.

537 Section 14. Subsection (2) of section 705.17, Florida
538 Statutes, is amended to read:

539 705.17 Exceptions.—

540 (2) Sections 705.1015-705.106 do not apply to any personal
541 property lost or abandoned on premises located within a theme
542 park or entertainment complex, as defined in s. 509.013 ~~s.~~
543 ~~509.013(9)~~, or operated as a zoo, a museum, or an aquarium, or
544 on the premises of a public food service establishment or a
545 public lodging establishment licensed under part I of chapter
546 509, if the owner or operator of such premises elects to comply
547 with s. 705.185.

548 Section 15. Section 705.185, Florida Statutes, is amended
549 to read:

550 705.185 Disposal of personal property lost or abandoned on
551 the premises of certain facilities.—When any lost or abandoned
552 personal property is found on premises located within a theme
553 park or entertainment complex, as defined in s. 509.013 ~~s.~~
554 ~~509.013(9)~~, or operated as a zoo, a museum, or an aquarium, or
555 on the premises of a public food service establishment or a
556 public lodging establishment licensed under part I of chapter
557 509, if the owner or operator of such premises elects to comply
558 with this section, any lost or abandoned property must be

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559 delivered to such owner or operator, who must take charge of the
560 property and make a record of the date such property was found.
561 If the property is not claimed by its owner within 30 days after
562 it is found, or a longer period of time as may be deemed
563 appropriate by the owner or operator of the premises, the owner
564 or operator of the premises may not sell and must dispose of the
565 property or donate it to a charitable institution that is exempt
566 from federal income tax under s. 501(c)(3) of the Internal
567 Revenue Code for sale or other disposal as the charitable
568 institution deems appropriate. The rightful owner of the
569 property may reclaim the property from the owner or operator of
570 the premises at any time before the disposal or donation of the
571 property in accordance with this section and the established
572 policies and procedures of the owner or operator of the
573 premises. A charitable institution that accepts an electronic
574 device, as defined in s. 815.03(9), access to which is not
575 secured by a password or other personal identification
576 technology, shall make a reasonable effort to delete all
577 personal data from the electronic device before its sale or
578 disposal.

579 Section 16. Section 717.1355, Florida Statutes, is amended
580 to read:

581 717.1355 Theme park and entertainment complex tickets.—
582 This chapter does not apply to any tickets for admission to a
583 theme park or entertainment complex as defined in s. 509.013 ~~s.~~

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584 ~~509.013(9)~~, or to any tickets to a permanent exhibition or
585 recreational activity within such theme park or entertainment
586 complex.

587 Section 17. Subsection (8) of section 877.24, Florida
588 Statutes, is amended to read:

589 877.24 Nonapplication of s. 877.22.—Section 877.22 does
590 not apply to a minor who is:

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

594 Section 18. The application of this act shall not
595 supersede any current or future declaration or declaration of
596 condominium adopted pursuant to chapter 718, Florida Statutes,
597 cooperative document adopted pursuant to chapter 719, Florida
598 Statutes, or declaration or declaration of covenant adopted
599 pursuant to chapter 720, Florida Statutes.

600 Section 19. (1) The Department of Revenue is authorized,
601 and all conditions are deemed to be met, to adopt emergency
602 rules pursuant to s. 120.54(4), Florida Statutes, for the
603 purpose of implementing s. 212.03, Florida Statutes, including
604 establishing procedures to facilitate the remittance of taxes.

605 (2) Notwithstanding any other provision of law, emergency
606 rules adopted pursuant to subsection (1) are effective for 6
607 months after adoption and may be renewed during the pendency of

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608 procedures to adopt permanent rules addressing the subject of
609 the emergency rules.

610 (3) This section expires January 1, 2024.

611 Section 20. Except as otherwise expressly provided in this
612 act, this act shall take effect upon becoming a law.

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

617 Remove everything before the enacting clause and insert:

618 A bill to be entitled

619 An act relating to vacation rentals; amending s.

620 212.03, F.S.; requiring advertising platforms to

621 collect and remit taxes imposed under chs. 125 and

622 212, F.S., for certain transactions; reordering and

623 amending s. 509.013, F.S.; defining the term

624 "advertising platform"; amending s. 509.032, F.S.;

625 conforming a cross-reference; preempting the

626 regulation of advertising platforms to the state;

627 amending s. 509.241, F.S.; requiring licenses issued

628 by the Division of Hotels and Restaurants of the

629 Department of Business and Professional Regulation to

630 be displayed conspicuously to the public inside the

631 licensed establishment; requiring the operator of

632 certain vacation rentals to also display its vacation

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633 rental license number and applicable tax account
634 numbers; creating s. 509.243, F.S.; requiring
635 advertising platforms to require that persons placing
636 advertisements for vacation rentals include certain
637 information in the advertisements; providing that
638 advertising platforms are required to verify such
639 information; requiring advertising platforms to
640 quarterly provide the division with certain
641 information regarding vacation rentals in this state
642 listed on the platforms; requiring advertising
643 platforms to remove an advertisement or listing under
644 certain conditions and within a specified timeframe;
645 authorizing the division to issue and deliver a notice
646 to cease and desist for certain violations; providing
647 that such notice does not constitute agency action for
648 which a certain hearing may be sought; authorizing the
649 division to file certain proceedings; authorizing the
650 collection of attorney fees and costs under certain
651 circumstances; requiring advertising platforms to
652 adopt an antidiscrimination policy and to inform their
653 users of the policy's provisions; amending s. 775.21,
654 F.S.; revising the definition of the term "temporary
655 residence"; amending ss. 159.27, 212.08, 316.1955,
656 404.056, 477.0135, 509.221, 553.5041, 705.17, 705.185,
657 717.1355, and 877.24, F.S.; conforming cross-

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658 | references and provisions to changes made by the act;
659 | providing that certain residential association
660 | declarations and documents may not be superseded;
661 | authorizing the department to adopt emergency rules;
662 | providing requirements and an expiration for such
663 | rules; providing effective dates.