1	A bill to be entitled
2	An act relating to vacation rentals; amending s.
3	509.013, F.S.; defining the term "advertising
4	platform"; amending s. 509.032, F.S.; preempting the
5	regulation of vacation rentals to the state;
6	prohibiting a local law, ordinance, or regulation from
7	allowing or requiring inspections or licensing of
8	public lodging establishments, including vacation
9	rentals, or public food service establishments;
10	authorizing a local law, ordinance, or regulation to
11	regulate certain activities under certain
12	circumstances; providing an exemption; expanding an
13	exemption to allow certain ordinances adopted on or
14	before a certain date to be amended to be less
15	restrictive; preempting the regulation of advertising
16	platforms to the state; amending s. 509.241, F.S.;
17	requiring licenses issued by the Division of Hotels
18	and Restaurants of the Department of Business and
19	Professional Regulation to be displayed conspicuously
20	to the public inside the licensed establishment;
21	requiring the owner or operator of certain vacation
22	rentals to also display its vacation rental license
23	number and applicable tax account numbers; creating s.
24	509.243, F.S.; requiring advertising platforms to
25	require that persons placing advertisements for

# Page 1 of 9

CODING: Words stricken are deletions; words <u>underlined</u> are additions.

26 vacation rentals include certain information in the 27 advertisements; requiring advertising platforms to 28 display and verify such information; requiring the 29 division to maintain certain information in a readily 30 accessible electronic format; requiring advertising platforms to quarterly provide the division with 31 32 certain information regarding vacation rentals in this state listed on the platforms; requiring advertising 33 platforms to remove an advertisement or a listing 34 35 under certain conditions and within a specified 36 timeframe; requiring advertising platforms to collect 37 and remit taxes imposed under chs. 125 and 212, F.S., for certain transactions; authorizing the Department 38 39 of Revenue to adopt rules; authorizing the division to issue and deliver a notice to cease and desist for 40 41 certain violations; providing that such notice does 42 not constitute agency action for which certain 43 hearings may be sought; authorizing the division to file certain proceedings and to seek certain remedies 44 for the purpose of enforcing a cease and desist 45 notice; authorizing the collection of attorney fees 46 47 and costs under certain circumstances; requiring 48 advertising platforms to adopt an antidiscrimination 49 plan and to inform their users of the policy's 50 provisions; providing applicability; providing

### Page 2 of 9

CODING: Words stricken are deletions; words underlined are additions.

51	effective dates.
52	
53	Be It Enacted by the Legislature of the State of Florida:
54	
55	Section 1. Subsection (17) is added to section 509.013,
56	Florida Statutes, to read:
57	509.013 Definitions.—As used in this chapter, the term:
58	(17) "Advertising platform" means an entity that:
59	(a) Provides an online application, software, a website,
60	or a system through which a vacation rental located in this
61	state is advertised or held out to the public as available to
62	rent for transient occupancy;
63	(b) Provides or maintains a marketplace for the renting by
64	transient occupancy of a vacation rental; and
	transient occupancy of a vacation rental; and (c) Provides a reservation or payment system that
64	
64 65	(c) Provides a reservation or payment system that
64 65 66	(c) Provides a reservation or payment system that facilitates a transaction for the renting by transient occupancy
64 65 66 67	(c) Provides a reservation or payment system that facilitates a transaction for the renting by transient occupancy of a vacation rental and for which the entity collects or
64 65 66 67 68	(c) Provides a reservation or payment system that facilitates a transaction for the renting by transient occupancy of a vacation rental and for which the entity collects or receives, directly or indirectly, a fee in connection with the
64 65 66 67 68 69	(c) Provides a reservation or payment system that facilitates a transaction for the renting by transient occupancy of a vacation rental and for which the entity collects or receives, directly or indirectly, a fee in connection with the reservation or payment service provided for such transaction.
64 65 67 68 69 70	(c) Provides a reservation or payment system that facilitates a transaction for the renting by transient occupancy of a vacation rental and for which the entity collects or receives, directly or indirectly, a fee in connection with the reservation or payment service provided for such transaction. Section 2. Subsection (7) of section 509.032, Florida
64 65 66 67 68 69 70 71	(c) Provides a reservation or payment system that facilitates a transaction for the renting by transient occupancy of a vacation rental and for which the entity collects or receives, directly or indirectly, a fee in connection with the reservation or payment service provided for such transaction. Section 2. Subsection (7) of section 509.032, Florida Statutes, is amended to read:
64 65 66 67 68 69 70 71 72	(c) Provides a reservation or payment system that facilitates a transaction for the renting by transient occupancy of a vacation rental and for which the entity collects or receives, directly or indirectly, a fee in connection with the reservation or payment service provided for such transaction. Section 2. Subsection (7) of section 509.032, Florida Statutes, is amended to read: 509.032 Duties
<ul> <li>64</li> <li>65</li> <li>66</li> <li>67</li> <li>68</li> <li>69</li> <li>70</li> <li>71</li> <li>72</li> <li>73</li> </ul>	(c) Provides a reservation or payment system that facilitates a transaction for the renting by transient occupancy of a vacation rental and for which the entity collects or receives, directly or indirectly, a fee in connection with the reservation or payment service provided for such transaction. Section 2. Subsection (7) of section 509.032, Florida Statutes, is amended to read: 509.032 Duties (7) PREEMPTION AUTHORITY

Page 3 of 9

CODING: Words stricken are deletions; words <u>underlined</u> are additions.

2021

76 establishments, including, but not limited to, sanitation standards, licensing, inspections, training and testing of 77 78 personnel, and matters related to the nutritional content and 79 marketing of foods offered in such establishments, is expressly 80 preempted to the state. A local law, ordinance, or regulation 81 may not allow or require the local inspection or licensing of public lodging establishments, including vacation rentals, or 82 public food service establishments. This paragraph does not 83 84 preempt the authority of a local government or local enforcement 85 district to conduct inspections of public lodging and public food service establishments for compliance with the Florida 86 87 Building Code and the Florida Fire Prevention Code, pursuant to ss. 553.80 and 633.206. 88 89 (b) A local law, ordinance, or regulation may regulate 90 activities that arise when a property is used as a vacation 91 rental if the law, ordinance, or regulation applies uniformly to 92 all residential properties without regard to whether the 93 property is used as a vacation rental as defined in s. 94 509.242(1)(c), the property is used as a long-term rental 95 subject to chapter 83, or the property owner chooses not to rent 96 the property. However, a local law, ordinance, or regulation may not prohibit vacation rentals or regulate the duration or 97 98 frequency of rental of vacation rentals. The prohibitions set forth in this paragraph do This paragraph does not apply to any 99 100 local law, ordinance, or regulation adopted on or before June 1,

#### Page 4 of 9

CODING: Words stricken are deletions; words underlined are additions.

2021

101	2011, including when such law, ordinance, or regulation is being
102	amended to be less restrictive with regard to a prohibition or a
103	duration or frequency regulation.
104	(c) Paragraph (b) does not apply to any local law,
105	ordinance, or regulation exclusively relating to property
106	valuation as a criterion for vacation rental if the local law,
107	ordinance, or regulation is required to be approved by the state
108	land planning agency pursuant to an area of critical state
109	concern designation.
110	(d) The regulation of advertising platforms is preempted
111	to the state, and advertising platforms shall be regulated under
112	this chapter.
113	Section 3. Effective January 1, 2022, subsection (3) of
114	section 509.241, Florida Statutes, is amended to read:
115	509.241 Licenses required; exceptions
116	(3) DISPLAY OF LICENSE.—Any license issued by the division
117	<u>must</u> <del>shall</del> be conspicuously displayed <u>to the public inside</u> <del>in</del>
118	the <del>office or lobby of the</del> licensed establishment. Public food
119	service establishments <u>that</u> <del>which</del> offer catering services <u>must</u>
120	shall display their license number on all advertising for
121	catering services. The owner or operator of a vacation rental
122	offered for transient occupancy through an advertising platform
123	must also display the vacation rental license number and the
124	applicable Florida sales tax registration and tourist
125	development tax account numbers under which such taxes must be

# Page 5 of 9

CODING: Words stricken are deletions; words underlined are additions.

2021

126	paid for each rental of the property as a vacation rental.
127	Section 4. Effective January 1, 2022, section 509.243,
128	Florida Statutes, is created to read:
129	509.243 Advertising platforms
130	(1)(a) An advertising platform must require that a person
131	who places an advertisement for the rental of a vacation rental:
132	1. Include in the advertisement the vacation rental
133	license number and the applicable Florida sales tax registration
134	and tourist development tax account numbers under which such
135	taxes must be paid before the advertisement may be listed; and
136	2. Attest to the best of his or her knowledge that the
137	license number for the vacation rental property and the
138	applicable tax numbers are current, valid, and accurately stated
139	in the advertisement.
1 4 0	
140	(b) An advertising platform must display the vacation
140 141	(b) An advertising platform must display the vacation rental license number and applicable Florida sales tax
141	rental license number and applicable Florida sales tax
141 142	rental license number and applicable Florida sales tax registration and tourist development tax numbers. The
141 142 143	rental license number and applicable Florida sales tax registration and tourist development tax numbers. The advertising platform must verify that the vacation rental
141 142 143 144	rental license number and applicable Florida sales tax registration and tourist development tax numbers. The advertising platform must verify that the vacation rental license number provided by the owner or operator is valid and
141 142 143 144 145	rental license number and applicable Florida sales tax registration and tourist development tax numbers. The advertising platform must verify that the vacation rental license number provided by the owner or operator is valid and applies to the subject vacation rental before publishing the
141 142 143 144 145 146	rental license number and applicable Florida sales tax registration and tourist development tax numbers. The advertising platform must verify that the vacation rental license number provided by the owner or operator is valid and applies to the subject vacation rental before publishing the advertisement on its platform and again at the end of each
141 142 143 144 145 146 147	rental license number and applicable Florida sales tax registration and tourist development tax numbers. The advertising platform must verify that the vacation rental license number provided by the owner or operator is valid and applies to the subject vacation rental before publishing the advertisement on its platform and again at the end of each calendar quarter that the advertisement remains on its platform.
141 142 143 144 145 146 147 148	rental license number and applicable Florida sales tax registration and tourist development tax numbers. The advertising platform must verify that the vacation rental license number provided by the owner or operator is valid and applies to the subject vacation rental before publishing the advertisement on its platform and again at the end of each calendar quarter that the advertisement remains on its platform. (c) The division shall maintain vacation rental license

# Page 6 of 9

CODING: Words stricken are deletions; words underlined are additions.

151 of this subsection by an advertising platform or a person 152 placing an advertisement on an advertising platform for 153 transient rental of a vacation rental. An advertising platform must provide to the division 154 (2) 155 on a quarterly basis, by file transfer protocol or electronic 156 data exchange file, a list of all vacation rentals located in 157 this state which are advertised on its platform, along with the 158 following information for each vacation rental: 159 The uniform resource locator for the Internet address (a) 160 of the vacation rental advertisement; and 161 (b) Unless otherwise stated in the vacation rental 162 advertisement at the Internet address provided pursuant to 163 paragraph (a), the physical address of the vacation rental, 164 including any unit designation, the vacation rental license 165 number provided by the owner or operator, and the applicable 166 Florida sales tax registration and tourist development tax 167 account numbers under which taxes will be remitted for the 168 rentals commenced through the advertisement. 169 (3) An advertising platform must remove from public view 170 an advertisement or a listing from its online application, 171 software, website, or system within 15 business days after being 172 notified by the division in writing that the subject 173 advertisement or listing for the rental of a vacation rental 174 located in this state fails to display a valid license number 175 issued by the division.

## Page 7 of 9

CODING: Words stricken are deletions; words underlined are additions.

176 If a guest uses a payment system on or through an (4) 177 advertising platform, as defined in s. 509.013(17), to pay for 178 the rental of a vacation rental located in this state, the 179 advertising platform must collect and remit all taxes imposed 180 under chapters 125 and 212 resulting from the rental. When 181 calculating taxes imposed under chapters 125 and 212, an 182 advertising platform may exclude the amount of any fees directly 183 attributable to the service provided by the advertising 184 platform. The Department of Revenue may adopt rules to implement 185 this subsection. 186 If the division has probable cause to believe that a (5) 187 person not licensed by the division has violated this chapter or 188 any rule adopted pursuant thereto, the division may issue and 189 deliver to such person a notice to cease and desist from the 190 violation. The issuance of a notice to cease and desist does not 191 constitute agency action for which a hearing under ss. 120.569 192 and 120.57 may be sought. For the purpose of enforcing a cease 193 and desist notice, the division may file a proceeding in the 194 name of the state seeking the issuance of an injunction or a 195 writ of mandamus against any person who violates any provision 196 of the notice. If the department is required to seek enforcement of the notice for a penalty pursuant to s. 120.569, it is 197 198 entitled to collect attorney fees and costs, together with any 199 cost of collection. 200 Advertising platforms must adopt an antidiscrimination (6) Page 8 of 9

CODING: Words stricken are deletions; words underlined are additions.

201 plan to help prevent discrimination among their users and must 202 inform all users of their services that it is illegal to refuse 203 accommodation to an individual based on race, creed, color, sex, pregnancy, physical disability, or national origin pursuant to 204 205 s. 509.092. 206 Section 5. The application of this act does not supersede 207 any current or future declaration or declaration of condominium 208 adopted pursuant to chapter 718, Florida Statutes, cooperative 209 document adopted pursuant to chapter 719, Florida Statutes, or 210 declaration or declaration of covenants adopted pursuant to 211 chapter 720, Florida Statutes. 212 Section 6. Except as otherwise expressly provided in this 213 act, this act shall take effect upon becoming a law.

Page 9 of 9

CODING: Words stricken are deletions; words underlined are additions.