



763808

LEGISLATIVE ACTION

Senate

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House

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The Committee on Rules (Diaz) recommended the following:

1           **Senate Substitute for Amendment (888468) (with title**  
2 **amendment)**

3  
4           Delete lines 300 - 446

5 and insert:

6           Section 3. Paragraph (c) of subsection (3) and paragraphs  
7 (a) and (b) of subsection (7) of section 509.032, Florida  
8 Statutes, are amended, and paragraph (d) is added to subsection  
9 (7) of that section, to read:

10           509.032 Duties.—

11           (3) SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD SERVICE



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12 EVENTS.—The division shall:

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

16 1. Sponsors of temporary food service events shall notify  
17 the division not less than 3 days before the scheduled event of  
18 the type of food service proposed, the time and location of the  
19 event, a complete list of food service vendors participating in  
20 the event, the number of individual food service facilities each  
21 vendor will operate at the event, and the identification number  
22 of each food service vendor's current license as a public food  
23 service establishment or temporary food service event licensee.  
24 Notification may be completed orally, by telephone, in person,  
25 or in writing. A public food service establishment or food  
26 service vendor may not use this notification process to  
27 circumvent the license requirements of this chapter.

28 2. The division shall keep a record of all notifications  
29 received for proposed temporary food service events and shall  
30 provide appropriate educational materials to the event sponsors  
31 and notify the event sponsors of the availability of the food-  
32 recovery brochure developed under s. 595.420.

33 3.a. Unless excluded under s. 509.013 ~~s. 509.013(5)(b)~~, a  
34 public food service establishment or other food service vendor  
35 must obtain one of the following classes of license from the  
36 division: an individual license, for a fee of no more than \$105,  
37 for each temporary food service event in which it participates;  
38 or an annual license, for a fee of no more than \$1,000, that  
39 entitles the licensee to participate in an unlimited number of  
40 food service events during the license period. The division



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41 shall establish license fees, by rule, and may limit the number  
42 of food service facilities a licensee may operate at a  
43 particular temporary food service event under a single license.

44 b. Public food service establishments holding current  
45 licenses from the division may operate under the regulations of  
46 such a license at temporary food service events.

47 (7) PREEMPTION AUTHORITY.—

48 (a) The regulation of public lodging establishments and  
49 public food service establishments, including, but not limited  
50 to, sanitation standards, licensing, inspections, training and  
51 testing of personnel, and matters related to the nutritional  
52 content and marketing of foods offered in such establishments,  
53 is preempted to the state. This paragraph does not preempt the  
54 authority of a local government or local enforcement district to  
55 conduct inspections of public lodging and public food service  
56 establishments for compliance with the Florida Building Code and  
57 the Florida Fire Prevention Code, pursuant to ss. 553.80 and  
58 633.206.

59 (b)1. A local law, ordinance, or regulation may not  
60 prohibit vacation rentals or regulate the duration or frequency  
61 of rental of vacation rentals. This paragraph does not apply to  
62 any local law, ordinance, or regulation adopted on or before  
63 June 1, 2011, including when such law, ordinance, or regulation  
64 is amended to be less restrictive or to comply with the local  
65 registration requirements provided in this paragraph.  
66 Notwithstanding paragraph (a), a local law, ordinance, or  
67 regulation may require the registration of vacation rentals with  
68 a local vacation rental registration program. Local governments  
69 may adopt a vacation rental registration program pursuant to



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70 subparagraph 3. and impose a fine for failure to register under  
71 the vacation rental registration program.

72 2. Local governments may charge a fee of no more than \$50  
73 for processing a registration application. A local law,  
74 ordinance, or regulation may not require renewal of a  
75 registration more than once per year. However, if there is a  
76 change of ownership, the new owner may be required to submit a  
77 new application for registration.

78 3. As a condition of registration, the local law,  
79 ordinance, or regulation may only require the owner or operator  
80 of a vacation rental to:

81 a. Submit identifying information about the owner or the  
82 owner's agents and the subject vacation rental property.

83 b. Obtain a license as a transient public lodging  
84 establishment issued by the division within 60 days after local  
85 registration.

86 c. Obtain all required tax registrations, receipts, or  
87 certificates issued by the Department of Revenue, a county, or a  
88 municipal government.

89 d. Update required information on a continuing basis to be  
90 current.

91 e. Comply with parking standards and solid waste handling  
92 and containment requirements so long as such standards are not  
93 imposed solely on vacation rentals.

94 f. Designate and maintain at all times a responsible party  
95 who is capable of responding to complaints and other immediate  
96 problems related to the vacation rental, including being  
97 available by telephone at a listed phone number.

98 g. Pay in full all recorded municipal or county code liens



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99 against the subject property. The local government may withdraw  
100 its acceptance of a registration on the basis of an unsatisfied  
101 recorded municipal or county code lien.

102 4.a. Within 15 business days after receiving an application  
103 for registration of a vacation rental, the local government must  
104 review the application for completeness and accept the  
105 registration of the vacation rental or issue a written notice  
106 specifying with particularity any areas that are deficient.

107 b. The vacation rental owner or operator and the local  
108 government may agree to a reasonable request to extend the time  
109 periods in this subparagraph, particularly in the event of a  
110 force majeure or other extraordinary circumstance.

111 c. When a local government denies an application for  
112 registration of a vacation rental, the local government must  
113 give written notice to the applicant. Such notice may be  
114 provided by United States mail or electronically. The written  
115 notice must specify with particularity the factual reasons for  
116 the denial and include a citation to the applicable portions of  
117 an ordinance, a rule, a statute, or other legal authority for  
118 the denial of the registration. A local government cannot deny  
119 any applicant from reapplying if the applicant cures the  
120 identified deficiencies.

121 d. If the local government fails to accept or deny the  
122 registration within the timeframes provided in this  
123 subparagraph, the application is deemed accepted.

124 e. Upon an accepted registration of a vacation rental, a  
125 local government shall assign a unique registration number to  
126 the vacation rental or other indicia of registration and provide  
127 such registration number or other indicia of registration to the



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128 owner or operator of the vacation rental in writing or  
129 electronically.

130 5. The local government may terminate or refuse to issue or  
131 renew a vacation rental registration when:

132 a. The operation of the subject premises violates a  
133 registration requirement authorized pursuant to this paragraph  
134 or a local law, ordinance, or regulation that does not solely  
135 apply to vacation rentals; or

136 b. The premises and its owner are the subject of a final  
137 order or judgment lawfully directing the termination of the  
138 premises' use as a vacation rental.

139 (d) The regulation of advertising platforms is preempted to  
140 the state, and advertising platforms shall be regulated under  
141 this chapter.

142 Section 4. Effective January 1, 2022, subsections (2) and  
143 (3) of section 509.241, Florida Statutes, are amended to read:

144 509.241 Licenses required; exceptions.—

145 (2) APPLICATION FOR LICENSE.—Each person who plans to open  
146 a public lodging establishment or a public food service  
147 establishment shall apply for and receive a license from the  
148 division prior to the commencement of operation. A condominium  
149 association, as defined in s. 718.103, which does not own any  
150 units classified as vacation rentals or timeshare projects under  
151 s. 509.242(1)(c) or (g) is not required to apply for or receive  
152 a public lodging establishment license. All applications for a  
153 vacation rental license shall, if applicable, include the local  
154 registration number or other proof of registration required by  
155 local law, ordinance, or regulation. Upon receiving an  
156 application for a vacation rental license, the division may



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157 grant a temporary license that shall allow the vacation rental  
158 to begin operation while the application is pending and to post  
159 the information required under s. 509.243(1)(c). The temporary  
160 license shall automatically expire upon final agency action  
161 regarding the license application.

162 (3) DISPLAY OF LICENSE.—Any license issued by the division  
163 must shall be conspicuously displayed to the public inside in  
164 the office or lobby of the licensed establishment. Public food  
165 service establishments that which offer catering services must  
166 shall display their license number on all advertising for  
167 catering services. The owner or operator of a vacation rental  
168 offered for transient occupancy through an advertising platform  
169 must also display the vacation rental license number and the  
170 local registration number, if applicable.

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

173 509.243 Advertising platforms.—

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

176 1. Include in the advertisement the vacation rental license  
177 number and the local registration number, if applicable; and

178 2. Attest to the best of their knowledge that the license  
179 number for the vacation rental property and the local  
180 registration are current, valid, and accurately stated in the  
181 advertisement.

182 (b) An advertising platform must display the vacation  
183 rental license number and the local registration number, if  
184 applicable. Effective July 1, 2022, the advertising platform  
185 must check that the vacation rental license number provided by



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186 the owner or operator appears as current on the information  
187 posted by the division pursuant to paragraph (c) and applies to  
188 the subject vacation rental before publishing the advertisement  
189 on its platform and again at the end of each calendar quarter  
190 that the advertisement remains on its platform.

191 (c) By July 1, 2022, the division shall maintain vacation  
192 rental license information in a readily accessible electronic  
193 format that is sufficient to facilitate prompt compliance with  
194 the requirements of this subsection by an advertising platform  
195 or a person placing an advertisement on an advertising platform  
196 for transient rental of a vacation rental.

197 (2) An advertising platform must remove from public view an  
198 advertisement or a listing from its online application,  
199 software, website, or system within 15 business days after being  
200 notified by the division in writing that the subject  
201 advertisement or listing for the rental of a vacation rental  
202 located in this state fails to display a valid license number  
203 issued by the division.

204 (3) If a guest uses a payment system on or through an  
205 advertising platform to pay for the rental of a vacation rental  
206 located in this state, the advertising platform shall collect  
207 and remit all taxes due under ss. 125.0104, 125.0108, 205.044,  
208 212.03, 212.0305, and 212.055 related to the rental as provided  
209 in s. 212.03(2)(b).

210 (4) If the division has probable cause to believe that a  
211 person not licensed by the division has violated this chapter or  
212 any rule adopted pursuant thereto, the division may issue and  
213 deliver to such person a notice to cease and desist from the  
214 violation. The issuance of a notice to cease and desist does not





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215 constitute agency action for which a hearing under s. 120.569 or  
216 s. 120.57 may be sought. For the purpose of enforcing a cease  
217 and desist notice, the division may file a proceeding in the  
218 name of the state seeking the issuance of an injunction or a  
219 writ of mandamus against any person who violates any provision  
220 of the notice. If the division is required to seek enforcement  
221 of the notice for a penalty pursuant to s. 120.69, it is  
222 entitled to collect attorney fees and costs, together with any  
223 cost of collection.

224 (5) The division may fine an advertising platform an amount  
225 not to exceed \$1,000 per offense for violations of this section  
226 or of the rules of the division. For the purposes of this  
227 subsection, the division may regard as a separate offense each  
228 day or portion of a day in which an advertising platform is  
229 operated in violation of this section or rules of the division.  
230 The division shall issue a written warning or notice and provide  
231 the advertising platform 15 days to cure a violation before  
232 commencing any legal proceeding under this subsection.

233 (6) Advertising platforms must adopt an antidiscrimination  
234 policy to help prevent discrimination among their users and must  
235 inform all users of their services that it is illegal to refuse  
236 accommodation to an individual based on race, creed, color, sex,  
237 pregnancy, physical disability, or national origin pursuant to  
238 s. 509.092.

239 (7) Advertising platforms that comply with the requirements  
240 of this section are deemed to be in compliance with the  
241 requirements of this chapter. Nothing in this section creates or  
242 is intended to create a private cause of action against  
243 advertising platforms. An advertising platform may not be held



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244 liable for any action it takes voluntarily in good faith in  
245 relation to its users to comply with this chapter or the  
246 advertising platform's terms of service.

247 Section 6. Subsections (10) and (11) are added to section  
248 509.261, Florida Statutes, to read:

249 509.261 Revocation or suspension of licenses; fines;  
250 procedure.-

251 (10) The division may revoke, refuse to issue or renew, or  
252 suspend for a period of not more than 30 days a vacation rental  
253 license when:

254 (a) The operation of the subject premises violates the  
255 terms of an applicable lease or property restriction, including  
256 any property restriction adopted pursuant to chapter 718,  
257 chapter 719, or chapter 720, as determined by a final order of a  
258 court of competent jurisdiction or a written decision by an  
259 arbitrator authorized to arbitrate a dispute relating to the  
260 subject property and a lease or property restriction;

261 (b) The owner or operator fails to provide proof of  
262 registration, if required by local law, ordinance, or  
263 regulation;

264 (c) The registration of the vacation rental is terminated  
265 by a local government as provided in s. 509.032(7)(b)5.; or

266 (d) The premises and its owner are the subject of a final  
267 order or judgment lawfully directing the termination of the  
268 premises' use as a vacation rental.

269 (11) The division may suspend, for a period of not more  
270 than 30 days, a vacation rental license when the owner or  
271 operator has been cited for two or more code violations related  
272 to the vacation rental during a period of 90 days. The division



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273 shall issue a written warning or notice and provide an  
274 opportunity to cure a violation before commencing any legal  
275 proceeding under this subsection.

276

277 ===== T I T L E A M E N D M E N T =====

278 And the title is amended as follows:

279 Delete lines 6 - 45

280 and insert:

281 term "advertising platform"; amending s. 509.032,  
282 F.S.; conforming across-reference; revising the  
283 regulated activities of public lodging establishments  
284 and public food service establishments preempted to  
285 the state to include licensing; revising an exemption  
286 to the prohibition against certain local regulation of  
287 vacation rentals; expanding the authority of local  
288 laws, ordinances, or regulations to include requiring  
289 vacation rentals to register with local vacation  
290 rental registration programs; authorizing local  
291 governments to adopt vacation rental registration  
292 programs and impose fines for failure to register;  
293 authorizing local governments to charge fees for  
294 processing registration applications; specifying  
295 requirements, procedures, and limitations for local  
296 vacation rental registration programs; authorizing  
297 local governments to terminate or refuse to issue or  
298 renew vacation rental registrations under certain  
299 circumstances; preempting the regulation of  
300 advertising platforms to the state; amending s.  
301 509.241, F.S.; requiring applications for vacation



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302 rental licenses to include certain information;  
303 authorizing the Division of Hotels and Restaurants of  
304 the Department of Business and Professional Regulation  
305 to issue temporary licenses upon receipt of vacation  
306 rental license applications; providing for expiration  
307 of temporary vacation rental licenses; requiring  
308 licenses issued by the division to be displayed  
309 conspicuously to the public inside the licensed  
310 establishment; requiring the owner or operator of  
311 certain vacation rentals to also display its vacation  
312 rental license number and applicable local  
313 registration number; creating s. 509.243, F.S.;  
314 requiring advertising platforms to require that  
315 persons placing advertisements for vacation rentals  
316 include certain information in the advertisements and  
317 attest to certain information; requiring advertising  
318 platforms to display and check such information;  
319 requiring the division to maintain certain information  
320 in a readily accessible electronic format by a certain  
321 date; requiring advertising platforms to remove an  
322 advertisement or listing under certain conditions and  
323 within a specified timeframe; requiring advertising  
324 platforms to collect and remit taxes for certain  
325 transactions; authorizing the division to issue and  
326 deliver a notice to cease and desist for certain  
327 violations; providing that such notice does not  
328 constitute agency action for which certain hearings  
329 may be sought; authorizing the division to file  
330 certain proceedings; authorizing the division to seek



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331 certain remedies for the purpose of enforcing a cease  
332 and desist notice; authorizing the division to collect  
333 attorney fees and costs under certain circumstances;  
334 authorizing the division to impose a fine on  
335 advertising platforms for certain violations;  
336 requiring the division to issue written warnings or  
337 notices before commencing certain legal proceedings;  
338 requiring advertising platforms to adopt an  
339 antidiscrimination policy and to inform their users of  
340 the policy's provisions; providing construction;  
341 amending s. 509.261, F.S.; authorizing the division to  
342 revoke, refuse to issue or renew, or suspend vacation  
343 rental licenses under certain circumstances; amending  
344 s. 775.21,