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LEGISLATIVE ACTION

Senate

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House

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The Committee on Rules (Diaz) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 303 - 446

and insert:

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

509.032 Duties.—

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



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

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

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

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



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41 of food service facilities a licensee may operate at a  
42 particular temporary food service event under a single license.

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

46 (7) PREEMPTION AUTHORITY.—

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

58 (b)1. A local law, ordinance, or regulation may not  
59 prohibit vacation rentals or regulate the duration or frequency  
60 of rental of vacation rentals. This paragraph does not apply to  
61 any local law, ordinance, or regulation adopted on or before  
62 June 1, 2011, including when such law, ordinance, or regulation  
63 is amended to be less restrictive or to comply with the local  
64 registration requirements provided in this paragraph.  
65 Notwithstanding paragraph (a), a local law, ordinance, or  
66 regulation may require the registration of vacation rentals with  
67 a local vacation rental registration program. Local governments  
68 may adopt a vacation rental registration program pursuant to  
69 subparagraph 3. and impose a fine for failure to register under



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70 the vacation rental registration program.  
71 2. Local governments may charge a fee of no more than \$50  
72 for processing a registration application. A local law,  
73 ordinance, or regulation may not require renewal of a  
74 registration more than once per year. However, if there is a  
75 change of ownership, the new owner may be required to submit a  
76 new application for registration.  
77 3. As a condition of registration, the local law,  
78 ordinance, or regulation may only require the owner or operator  
79 of a vacation rental to:  
80 a. Submit identifying information about the owner or the  
81 owner's agents and the subject vacation rental property.  
82 b. Obtain a license as a transient public lodging  
83 establishment issued by the division within 60 days after local  
84 registration.  
85 c. Obtain all required tax registrations, receipts, or  
86 certificates issued by the Department of Revenue, a county, or a  
87 municipal government.  
88 d. Update required information on a continuing basis to be  
89 current.  
90 e. Comply with parking standards and solid waste handling  
91 and containment requirements so long as such standards are not  
92 imposed solely on vacation rentals.  
93 f. Designate and maintain at all times a responsible party  
94 who is capable of responding to complaints and other immediate  
95 problems related to the vacation rental, including being  
96 available by telephone at a listed phone number.  
97 g. Pay in full all recorded municipal or county code liens  
98 against the subject property. The local government may withdraw



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99 its acceptance of a registration on the basis of an unsatisfied  
100 recorded municipal or county code lien.

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

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

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

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

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



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128 electronically.  
129 5. The local government may terminate or refuse to issue or  
130 renew a vacation rental registration when:  
131 a. The operation of the subject premises violates a local  
132 law, ordinance, or regulation not otherwise preempted pursuant  
133 to this subsection; or  
134 b. The premises and its owner are the subject of a final  
135 order or judgment lawfully directing the termination of the  
136 premises' use as a vacation rental.  
137 (d) The regulation of advertising platforms is preempted to  
138 the state, and advertising platforms shall be regulated under  
139 this chapter.  
140 Section 4. Effective January 1, 2022, subsections (2) and  
141 (3) of section 509.241, Florida Statutes, are amended to read:  
142 509.241 Licenses required; exceptions.—  
143 (2) APPLICATION FOR LICENSE.—Each person who plans to open  
144 a public lodging establishment or a public food service  
145 establishment shall apply for and receive a license from the  
146 division prior to the commencement of operation. A condominium  
147 association, as defined in s. 718.103, which does not own any  
148 units classified as vacation rentals or timeshare projects under  
149 s. 509.242(1)(c) or (g) is not required to apply for or receive  
150 a public lodging establishment license. All applications for a  
151 vacation rental license shall, if applicable, include the local  
152 registration number or other proof of registration required by  
153 local law, ordinance, or regulation. Upon receiving an  
154 application for a vacation rental license, the division may  
155 grant a temporary license that shall allow the vacation rental  
156 to begin operation while the application is pending and to post



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157 the information required under s. 509.243(1)(c). The temporary  
158 license shall automatically expire upon final agency action  
159 regarding the license application.

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

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

171 509.243 Advertising platforms.—

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

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

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

180 (b) An advertising platform must display the vacation  
181 rental license number and the local registration number, if  
182 applicable. Effective July 1, 2022, the advertising platform  
183 must check that the vacation rental license number provided by  
184 the owner or operator appears as current on the information  
185 posted by the division pursuant to paragraph (c) and applies to



186 the subject vacation rental before publishing the advertisement  
187 on its platform and again at the end of each calendar quarter  
188 that the advertisement remains on its platform.

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

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

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

208 (4) If the division has probable cause to believe that a  
209 person not licensed by the division has violated this chapter or  
210 any rule adopted pursuant thereto, the division may issue and  
211 deliver to such person a notice to cease and desist from the  
212 violation. The issuance of a notice to cease and desist does not  
213 constitute agency action for which a hearing under s. 120.569 or  
214 s. 120.57 may be sought. For the purpose of enforcing a cease





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215 and desist notice, the division may file a proceeding in the  
216 name of the state seeking the issuance of an injunction or a  
217 writ of mandamus against any person who violates any provision  
218 of the notice. If the division is required to seek enforcement  
219 of the notice for a penalty pursuant to s. 120.69, it is  
220 entitled to collect attorney fees and costs, together with any  
221 cost of collection.

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

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

237 (7) Advertising platforms that comply with the requirements  
238 of this section are deemed to be in compliance with the  
239 requirements of this chapter. Nothing in this section creates or  
240 is intended to create a private cause of action against  
241 advertising platforms. An advertising platform may not be held  
242 liable for any action it takes voluntarily in good faith in  
243 relation to its users to comply with this chapter or the



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244 advertising platform's terms of service.

245 Section 6. Subsections (10) and (11) are added to section  
246 509.261, Florida Statutes, to read:

247 509.261 Revocation or suspension of licenses; fines;  
248 procedure.—

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

252 (a) The operation of the subject premises violates the  
253 terms of an applicable lease or property restriction, including  
254 any property restriction adopted pursuant to chapter 718,  
255 chapter 719, or chapter 720;

256 (b) The owner or operator fails to provide proof of  
257 registration, if required by local law, ordinance, or  
258 regulation;

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

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

264 (11) The division may suspend, for a period of not more  
265 than 30 days, a vacation rental license when the owner or  
266 operator has been cited for two or more code violations related  
267 to the vacation rental during a period of 90 days. The division  
268 shall issue a written warning or notice and provide an  
269 opportunity to cure a violation before commencing any legal  
270 proceeding under this subsection.

271  
272 ===== T I T L E A M E N D M E N T =====



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273 And the title is amended as follows:  
274       Delete lines 8 - 45  
275 and insert:  
276       cross-reference; revising the regulated activities of  
277       public lodging establishments and public food service  
278       establishments preempted to the state to include  
279       licensing; revising an exemption to the prohibition  
280       against certain local regulation of vacation rentals;  
281       expanding the authority of local laws, ordinances, or  
282       regulations to include requiring vacation rentals to  
283       register with local vacation rental registration  
284       programs; authorizing local governments to adopt  
285       vacation rental registration programs and impose fines  
286       for failure to register; authorizing local governments  
287       to charge fees for processing registration  
288       applications; specifying requirements, procedures, and  
289       limitations for local vacation rental registration  
290       programs; authorizing local governments to terminate  
291       or refuse to issue or renew vacation rental  
292       registrations under certain circumstances; preempting  
293       the regulation of advertising platforms to the state;  
294       amending s. 509.241, F.S.; requiring applications for  
295       vacation rental licenses to include certain  
296       information; authorizing the Division of Hotels and  
297       Restaurants of the Department of Business and  
298       Professional Regulation to issue temporary licenses  
299       upon receipt of vacation rental license applications;  
300       providing for expiration of temporary vacation rental  
301       licenses; requiring licenses issued by the division to



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



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331 requiring advertising platforms to adopt an  
332 antidiscrimination policy and to inform their users of  
333 the policy's provisions; providing construction;  
334 amending s. 509.261, F.S.; authorizing the division to  
335 revoke, refuse to issue or renew, or suspend vacation  
336 rental licenses under certain circumstances; amending  
337 s. 775.21,