

By the Committees on Appropriations; and Regulated Industries;
and Senator Diaz

576-02741-21

2021522c2

1 A bill to be entitled
2 An act relating to vacation rentals; amending s.
3 212.03, F.S.; requiring advertising platforms to
4 collect and remit taxes for certain transactions;
5 reordering and amending s. 509.013, F.S.; defining the
6 terms "advertising platform" and "merchant business
7 tax receipt"; amending s. 509.032, F.S.; conforming a
8 cross-reference; revising an exemption to the
9 prohibition against certain local regulation of
10 vacation rentals; preempting the regulation of
11 advertising platforms to the state; amending s.
12 509.241, F.S.; requiring licenses issued by the
13 Division of Hotels and Restaurants of the Department
14 of Business and Professional Regulation to be
15 displayed conspicuously to the public inside the
16 licensed establishment; requiring the operator of
17 certain vacation rentals to also display its vacation
18 rental license number and applicable merchant business
19 tax receipt or tax account numbers; creating s.
20 509.243, F.S.; requiring advertising platforms to
21 require that persons placing advertisements for
22 vacation rentals include certain information in the
23 advertisements and attest to certain information;
24 requiring advertising platforms to display and verify
25 such information; requiring the division to maintain
26 certain information in a readily accessible electronic
27 format; requiring advertising platforms to quarterly
28 provide the division with certain information
29 regarding vacation rentals in this state listed on the

576-02741-21

2021522c2

30 platforms; requiring advertising platforms to remove
31 an advertisement or listing under certain conditions
32 and within a specified timeframe; requiring
33 advertising platforms to collect and remit taxes for
34 certain transactions; authorizing the division to
35 issue and deliver a notice to cease and desist for
36 certain violations; providing that such notice does
37 not constitute agency action for which certain
38 hearings may be sought; authorizing the division to
39 file certain proceedings; authorizing the division to
40 seek certain remedies for the purpose of enforcing a
41 cease and desist notice; authorizing the division to
42 collect attorney fees and costs under certain
43 circumstances; requiring advertising platforms to
44 adopt an antidiscrimination policy and to inform their
45 users of the policy's provisions; amending s. 775.21,
46 F.S.; revising the definition of the term "temporary
47 residence"; amending ss. 159.27, 212.08, 316.1955,
48 404.056, 477.0135, 509.221, 553.5041, 705.17, 705.185,
49 717.1355, and 877.24, F.S.; conforming cross-
50 references to changes made by the act; providing
51 applicability; authorizing the department to adopt
52 emergency rules; providing requirements and an
53 expiration for such rules; providing for the
54 expiration of such rulemaking authority; providing
55 appropriations; providing effective dates.

56
57 Be It Enacted by the Legislature of the State of Florida:
58

576-02741-21

2021522c2

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

61 212.03 Transient rentals tax; rate, procedure, enforcement,
62 exemptions.-

63 (2) (a) The tax provided for herein shall be in addition to
64 the total amount of the rental, shall be charged by the lessor
65 or person receiving the rent in and by said rental arrangement
66 to the lessee or person paying the rental, and shall be due and
67 payable at the time of the receipt of such rental payment by the
68 lessor or person, as defined in this chapter, who receives said
69 rental or payment. The owner, lessor, or person receiving the
70 rent shall remit the tax to the department at the times and in
71 the manner hereinafter provided for dealers to remit taxes under
72 this chapter. The same duties imposed by this chapter upon
73 dealers in tangible personal property respecting the collection
74 and remission of the tax; the making of returns; the keeping of
75 books, records, and accounts; and the compliance with the rules
76 and regulations of the department in the administration of this
77 chapter shall apply to and be binding upon all persons who
78 manage or operate hotels, apartment houses, roominghouses,
79 tourist and trailer camps, and the rental of condominium units,
80 and to all persons who collect or receive such rents on behalf
81 of such owner or lessor taxable under this chapter.

82 (b) If a guest uses a payment system on or through an
83 advertising platform, as defined in s. 509.013, to pay for the
84 rental of a vacation rental located in this state, the
85 advertising platform shall collect and remit taxes as provided
86 in this paragraph.

87 1. An advertising platform, as defined in s. 509.013, which

576-02741-21

2021522c2

owns, operates, or manages a vacation rental or which is related within the meaning of ss. 1504, 267(b), or 707(b) of the Internal Revenue Code of 1986 to a person who owns, operates, or manages the vacation rental shall collect and remit all taxes due under this section and ss. 125.0104, 125.0108, 205.044, 212.0305, and 212.055 which are related to the rental.

2. An advertising platform to which subparagraph 1. does not apply shall collect and remit all taxes due from the owner, operator, or manager under this section and ss. 125.0104, 125.0108, 205.044, 212.0305, and 212.055 which are related to the rental. Of the total amount paid by the lessee or rentee, the amount retained by the advertising platform for reservation or payment service is not taxable under this section or ss. 125.0104, 125.0108, 205.044, 212.0305, and 212.055.

In order to facilitate the remittance of such taxes, the department and counties that have elected to self-administer the taxes imposed under chapter 125 must allow advertising platforms to register, collect, and remit such taxes.

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

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

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

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

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

576-02741-21

2021522c2

117 (c) Provides a reservation or payment system that
118 facilitates a transaction for the renting by transient occupancy
119 of a vacation rental and for which the person collects or
120 receives, directly or indirectly, a fee in connection with the
121 reservation or payment service provided for such transaction.

122 (3)~~(1)~~ "Division" means the Division of Hotels and
123 Restaurants of the Department of Business and Professional
124 Regulation.

125 (9)~~(2)~~ "Operator" means the owner, licensee, proprietor,
126 lessee, manager, assistant manager, or appointed agent of a
127 public lodging establishment or public food service
128 establishment.

129 (4)~~(3)~~ "Guest" means any patron, customer, tenant, lodger,
130 boarder, or occupant of a public lodging establishment or public
131 food service establishment.

132 (11) (a)~~(4) (a)~~ "Public lodging establishment" includes a
133 transient public lodging establishment as defined in
134 subparagraph 1. and a nontransient public lodging establishment
135 as defined in subparagraph 2.

136 1. "Transient public lodging establishment" means any unit,
137 group of units, dwelling, building, or group of buildings within
138 a single complex of buildings which is rented to guests more
139 than three times in a calendar year for periods of less than 30
140 days or 1 calendar month, whichever is less, or which is
141 advertised or held out to the public as a place regularly rented
142 to guests.

143 2. "Nontransient public lodging establishment" means any
144 unit, group of units, dwelling, building, or group of buildings
145 within a single complex of buildings which is rented to guests

576-02741-21

2021522c2

146 for periods of at least 30 days or 1 calendar month, whichever
147 is less, or which is advertised or held out to the public as a
148 place regularly rented to guests for periods of at least 30 days
149 or 1 calendar month.

150

151 License classifications of public lodging establishments, and
152 the definitions therefor, are set out in s. 509.242. For the
153 purpose of licensure, the term does not include condominium
154 common elements as defined in s. 718.103.

155 (b) The following are excluded from the definitions in
156 paragraph (a):

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

160 2. Any facility certified or licensed and regulated by the
161 Agency for Health Care Administration or the Department of
162 Children and Families or other similar place regulated under s.
163 381.0072.

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

167 4. Any unit or group of units in a condominium,
168 cooperative, or timeshare plan and any individually or
169 collectively owned one-family, two-family, three-family, or
170 four-family dwelling house or dwelling unit that is rented for
171 periods of at least 30 days or 1 calendar month, whichever is
172 less, and that is not advertised or held out to the public as a
173 place regularly rented for periods of less than 1 calendar
174 month, provided that no more than four rental units within a

576-02741-21

2021522c2

175 single complex of buildings are available for rent.

176 5. Any migrant labor camp or residential migrant housing
177 permitted by the Department of Health under ss. 381.008-
178 381.00895.

179 6. Any establishment inspected by the Department of Health
180 and regulated by chapter 513.

181 7. Any nonprofit organization that operates a facility
182 providing housing only to patients, patients' families, and
183 patients' caregivers and not to the general public.

184 8. Any apartment building inspected by the United States
185 Department of Housing and Urban Development or other entity
186 acting on the department's behalf that is designated primarily
187 as housing for persons at least 62 years of age. The division
188 may require the operator of the apartment building to attest in
189 writing that such building meets the criteria provided in this
190 subparagraph. The division may adopt rules to implement this
191 requirement.

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

196 (10) (a) (5) (a) "Public food service establishment" means any
197 building, vehicle, place, or structure, or any room or division
198 in a building, vehicle, place, or structure where food is
199 prepared, served, or sold for immediate consumption on or in the
200 vicinity of the premises; called for or taken out by customers;
201 or prepared before ~~prior to~~ being delivered to another location
202 for consumption. The term includes a culinary education program,
203 as defined in s. 381.0072(2), which offers, prepares, serves, or

576-02741-21

2021522c2

204 sells food to the general public, regardless of whether it is
205 inspected by another state agency for compliance with sanitation
206 standards.

207 (b) The following are excluded from the definition in
208 paragraph (a):

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

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

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

214 2. Any eating place maintained and operated by a church or
215 a religious, nonprofit fraternal, or nonprofit civic
216 organization:

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

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

220

221 Upon request by the division, a church or a religious, nonprofit
222 fraternal, or nonprofit civic organization claiming an exclusion
223 under this subparagraph must provide the division documentation
224 of its status as a church or a religious, nonprofit fraternal,
225 or nonprofit civic organization.

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

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

576-02741-21

2021522c2

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

235 5. Any eating place maintained by a facility certified or
236 licensed and regulated by the Agency for Health Care
237 Administration or the Department of Children and Families or
238 other similar place that is regulated under s. 381.0072.

239 6. Any place of business issued a permit or inspected by
240 the Department of Agriculture and Consumer Services under s.
241 500.12.

242 7. Any place of business where the food available for
243 consumption is limited to ice, beverages with or without
244 garnishment, popcorn, or prepackaged items sold without
245 additions or preparation.

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

249 9. Any vending machine that dispenses any food or beverages
250 other than potentially hazardous foods, as defined by division
251 rule.

252 10. Any vending machine that dispenses potentially
253 hazardous food and which is located in a facility regulated
254 under s. 381.0072.

255 11. Any research and development test kitchen limited to
256 the use of employees and which is not open to the general
257 public.

258 (2)~~(6)~~ "Director" means the Director of the Division of
259 Hotels and Restaurants of the Department of Business and
260 Professional Regulation.

261 (12)~~(7)~~ "Single complex of buildings" means all buildings

576-02741-21

2021522c2

262 or structures that are owned, managed, controlled, or operated
263 under one business name and are situated on the same tract or
264 plot of land that is not separated by a public street or
265 highway.

266 (13)~~(8)~~ "Temporary food service event" means any event of
267 30 days or less in duration where food is prepared, served, or
268 sold to the general public.

269 (14)~~(9)~~ "Theme park or entertainment complex" means a
270 complex comprised of at least 25 contiguous acres owned and
271 controlled by the same business entity and which contains
272 permanent exhibitions and a variety of recreational activities
273 and has a minimum of 1 million visitors annually.

274 (15)~~(10)~~ "Third-party provider" means, for purposes of s.
275 509.049, any provider of an approved food safety training
276 program that provides training or such a training program to a
277 public food service establishment that is not under common
278 ownership or control with the provider.

279 (17)~~(11)~~ "Transient establishment" means any public lodging
280 establishment that is rented or leased to guests by an operator
281 whose intention is that such guests' occupancy will be
282 temporary.

283 (18)~~(12)~~ "Transient occupancy" means occupancy when it is
284 the intention of the parties that the occupancy will be
285 temporary. There is a rebuttable presumption that, when the
286 dwelling unit occupied is not the sole residence of the guest,
287 the occupancy is transient.

288 (16)~~(13)~~ "Transient" means a guest in transient occupancy.

289 (7)~~(14)~~ "Nontransient establishment" means any public
290 lodging establishment that is rented or leased to guests by an

576-02741-21

2021522c2

291 operator whose intention is that the dwelling unit occupied will
292 be the sole residence of the guest.

293 (8)~~(15)~~ "Nontransient occupancy" means occupancy when it is
294 the intention of the parties that the occupancy will not be
295 temporary. There is a rebuttable presumption that, when the
296 dwelling unit occupied is the sole residence of the guest, the
297 occupancy is nontransient.

298 (6)~~(16)~~ "Nontransient" means a guest in nontransient
299 occupancy.

300 (5) "Merchant business tax receipt" means a business tax
301 receipt or registration issued by a municipality that imposes a
302 tax under s. 205.044 on transient occupancy.

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

307 509.032 Duties.—

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

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

313 1. Sponsors of temporary food service events shall notify
314 the division not less than 3 days before the scheduled event of
315 the type of food service proposed, the time and location of the
316 event, a complete list of food service vendors participating in
317 the event, the number of individual food service facilities each
318 vendor will operate at the event, and the identification number
319 of each food service vendor's current license as a public food

576-02741-21

2021522c2

320 service establishment or temporary food service event licensee.
321 Notification may be completed orally, by telephone, in person,
322 or in writing. A public food service establishment or food
323 service vendor may not use this notification process to
324 circumvent the license requirements of this chapter.

325 2. The division shall keep a record of all notifications
326 received for proposed temporary food service events and shall
327 provide appropriate educational materials to the event sponsors
328 and notify the event sponsors of the availability of the food-
329 recovery brochure developed under s. 595.420.

330 3.a. Unless excluded under s. 509.013 ~~s. 509.013(5)(b)~~, a
331 public food service establishment or other food service vendor
332 must obtain one of the following classes of license from the
333 division: an individual license, for a fee of no more than \$105,
334 for each temporary food service event in which it participates;
335 or an annual license, for a fee of no more than \$1,000, that
336 entitles the licensee to participate in an unlimited number of
337 food service events during the license period. The division
338 shall establish license fees, by rule, and may limit the number
339 of food service facilities a licensee may operate at a
340 particular temporary food service event under a single license.

341 b. Public food service establishments holding current
342 licenses from the division may operate under the regulations of
343 such a license at temporary food service events.

344 (7) PREEMPTION AUTHORITY.—

345 (b) A local law, ordinance, or regulation may not prohibit
346 vacation rentals or regulate the duration or frequency of rental
347 of vacation rentals. This paragraph does not apply to any local
348 law, ordinance, or regulation adopted on or before June 1, 2011,

576-02741-21

2021522c2

349 including when such law, ordinance, or regulation is amended to
350 be less restrictive.

351 (d) The regulation of advertising platforms is preempted to
352 the state, and advertising platforms shall be regulated under
353 this chapter.

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

356 509.241 Licenses required; exceptions.—

357 (3) DISPLAY OF LICENSE.—Any license issued by the division
358 must ~~shall~~ be conspicuously displayed to the public inside ~~in~~
359 the ~~office or lobby of the~~ licensed establishment. Public food
360 service establishments ~~that~~ ~~which~~ offer catering services must
361 ~~shall~~ display their license number on all advertising for
362 catering services. The owner or operator of a vacation rental
363 offered for transient occupancy through an advertising platform
364 must also display the vacation rental license number, the
365 applicable Florida sales tax registration number, and the
366 applicable merchant business tax receipt or tourist development
367 tax account number under which such taxes must be paid for each
368 rental of the property as a vacation rental.

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

371 509.243 Advertising platforms.—

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

374 1. Include in the advertisement the vacation rental license
375 number, the applicable Florida sales tax registration number,
376 and the applicable merchant business tax receipt or tourist
377 development tax account number under which such taxes must be

576-02741-21

2021522c2

378 paid before the advertisement may be listed; and

379 2. Attest to the best of their knowledge that the license
380 number for the vacation rental property and the applicable tax
381 numbers are current, valid, and accurately stated in the
382 advertisement.

383 (b) An advertising platform must display the vacation
384 rental license number, the applicable Florida sales tax
385 registration number, and the applicable merchant business tax
386 receipt or tourist development tax number. The advertising
387 platform must verify that the vacation rental license number
388 provided by the owner or operator is valid and applies to the
389 subject vacation rental before publishing the advertisement on
390 its platform and again at the end of each calendar quarter that
391 the advertisement remains on its platform.

392 (c) The division shall maintain vacation rental license
393 information in a readily accessible electronic format that is
394 sufficient to facilitate prompt compliance with the requirements
395 of this subsection by an advertising platform or a person
396 placing an advertisement on an advertising platform for
397 transient rental of a vacation rental.

398 (2) An advertising platform must provide to the division on
399 a quarterly basis, by file transfer protocol or electronic data
400 exchange file, a list of all vacation rentals located in this
401 state which are advertised on its platform, along with the
402 following information for each vacation rental:

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

405 (b) Unless otherwise stated in the vacation rental
406 advertisement at the Internet address provided pursuant to

576-02741-21

2021522c2

407 paragraph (a), the physical address of the vacation rental,
408 including any unit designation, the vacation rental license
409 number provided by the owner or operator, the applicable Florida
410 sales tax registration number, and the applicable merchant
411 business tax receipt or tourist development tax account number
412 under which taxes will be remitted for the rentals commenced
413 through the advertisement.

414 (3) An advertising platform must remove from public view an
415 advertisement or a listing from its online application,
416 software, website, or system within 15 business days after being
417 notified by the division in writing that the subject
418 advertisement or listing for the rental of a vacation rental
419 located in this state fails to display a valid license number
420 issued by the division.

421 (4) If a guest uses a payment system on or through an
422 advertising platform to pay for the rental of a vacation rental
423 located in this state, the advertising platform shall collect
424 and remit all taxes due under ss. 125.0104, 125.0108, 205.044,
425 212.03, 212.0305, and 212.055 related to the rental as provided
426 in s. 212.03(2) (b).

427 (5) If the division has probable cause to believe that a
428 person not licensed by the division has violated this chapter or
429 any rule adopted pursuant thereto, the division may issue and
430 deliver to such person a notice to cease and desist from the
431 violation. The issuance of a notice to cease and desist does not
432 constitute agency action for which a hearing under ss. 120.569
433 and 120.57 may be sought. For the purpose of enforcing a cease
434 and desist notice, the division may file a proceeding in the
435 name of the state seeking the issuance of an injunction or a

576-02741-21

2021522c2

436 writ of mandamus against any person who violates any provision
437 of the notice. If the division is required to seek enforcement
438 of the notice for a penalty pursuant to s. 120.69, it is
439 entitled to collect attorney fees and costs, together with any
440 cost of collection.

441 (6) Advertising platforms must adopt an antidiscrimination
442 policy to help prevent discrimination among their users and must
443 inform all users of their services that it is illegal to refuse
444 accommodation to an individual based on race, creed, color, sex,
445 pregnancy, physical disability, or national origin pursuant to
446 s. 509.092.

447 Section 6. Paragraph (n) of subsection (2) of section
448 775.21, Florida Statutes, is amended to read:

449 775.21 The Florida Sexual Predators Act.—

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

451 (n) "Temporary residence" means a place where the person
452 abides, lodges, or resides, including, but not limited to,
453 vacation, business, or personal travel destinations in or out of
454 this state, for a period of 3 or more days in the aggregate
455 during any calendar year and which is not the person's permanent
456 address or, for a person whose permanent residence is not in
457 this state, a place where the person is employed, practices a
458 vocation, or is enrolled as a student for any period of time in
459 this state. The term also includes a vacation rental, as defined
460 in s. 509.242, where a person lodges for 24 hours or more.

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

463 159.27 Definitions.—The following words and terms, unless
464 the context clearly indicates a different meaning, shall have

576-02741-21

2021522c2

465 the following meanings:

466 (12) "Public lodging or restaurant facility" means property
467 used for any public lodging establishment as defined in s.
468 509.242 or public food service establishment as defined in s.
469 509.013 ~~s. 509.013(5)~~ if it is part of the complex of, or
470 necessary to, another facility qualifying under this part.

471 Section 8. Paragraph (jj) of subsection (7) of section
472 212.08, Florida Statutes, is amended to read:

473 212.08 Sales, rental, use, consumption, distribution, and
474 storage tax; specified exemptions.—The sale at retail, the
475 rental, the use, the consumption, the distribution, and the
476 storage to be used or consumed in this state of the following
477 are hereby specifically exempt from the tax imposed by this
478 chapter.

479 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
480 entity by this chapter do not inure to any transaction that is
481 otherwise taxable under this chapter when payment is made by a
482 representative or employee of the entity by any means,
483 including, but not limited to, cash, check, or credit card, even
484 when that representative or employee is subsequently reimbursed
485 by the entity. In addition, exemptions provided to any entity by
486 this subsection do not inure to any transaction that is
487 otherwise taxable under this chapter unless the entity has
488 obtained a sales tax exemption certificate from the department
489 or the entity obtains or provides other documentation as
490 required by the department. Eligible purchases or leases made
491 with such a certificate must be in strict compliance with this
492 subsection and departmental rules, and any person who makes an
493 exempt purchase with a certificate that is not in strict

576-02741-21

2021522c2

494 compliance with this subsection and the rules is liable for and
495 shall pay the tax. The department may adopt rules to administer
496 this subsection.

497 (jj) *Complimentary meals.*—Also exempt from the tax imposed
498 by this chapter are food or drinks that are furnished as part of
499 a packaged room rate by any person offering for rent or lease
500 any transient living accommodations as described in s. 509.013
501 ~~s. 509.013(4)(a)~~ which are licensed under part I of chapter 509
502 and which are subject to the tax under s. 212.03, if a separate
503 charge or specific amount for the food or drinks is not shown.
504 Such food or drinks are considered to be sold at retail as part
505 of the total charge for the transient living accommodations.
506 Moreover, the person offering the accommodations is not
507 considered to be the consumer of items purchased in furnishing
508 such food or drinks and may purchase those items under
509 conditions of a sale for resale.

510 Section 9. Paragraph (b) of subsection (4) of section
511 316.1955, Florida Statutes, is amended to read:

512 316.1955 Enforcement of parking requirements for persons
513 who have disabilities.—

514 (4)

515 (b) Notwithstanding paragraph (a), a theme park or an
516 entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~
517 which provides parking in designated areas for persons who have
518 disabilities may allow any vehicle that is transporting a person
519 who has a disability to remain parked in a space reserved for
520 persons who have disabilities throughout the period the theme
521 park is open to the public for that day.

522 Section 10. Subsection (5) of section 404.056, Florida

576-02741-21

2021522c2

523 Statutes, is amended to read:

524 404.056 Environmental radiation standards and projects;
525 certification of persons performing measurement or mitigation
526 services; mandatory testing; notification on real estate
527 documents; rules.—

528 (5) NOTIFICATION ON REAL ESTATE DOCUMENTS.—Notification
529 shall be provided on at least one document, form, or application
530 executed at the time of, or prior to, contract for sale and
531 purchase of any building or execution of a rental agreement for
532 any building. Such notification shall contain the following
533 language:

534

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

542

543 The requirements of this subsection do not apply to any
544 residential transient occupancy, as described in s. 509.013 ~~s.~~
545 ~~509.013(12)~~, provided that such occupancy is 45 days or less in
546 duration.

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

549 477.0135 Exemptions.—

550 (6) A license is not required of any individual providing
551 makeup or special effects services in a theme park or

576-02741-21

2021522c2

552 entertainment complex to an actor, stunt person, musician,
553 extra, or other talent, or providing makeup or special effects
554 services to the general public. The term "theme park or
555 entertainment complex" has the same meaning as in s. 509.013 ~~s.~~
556 ~~509.013(9)~~.

557 Section 12. Paragraph (b) of subsection (2) of section
558 509.221, Florida Statutes, is amended to read:

559 509.221 Sanitary regulations.—

560 (2)

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

565 Section 13. Paragraph (b) of subsection (5) of section
566 553.5041, Florida Statutes, is amended to read:

567 553.5041 Parking spaces for persons who have disabilities.—

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

571 (b) If there are multiple entrances or multiple retail
572 stores, the parking spaces must be dispersed to provide parking
573 at the nearest accessible entrance. If a theme park or an
574 entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~
575 provides parking in several lots or areas from which access to
576 the theme park or entertainment complex is provided, a single
577 lot or area may be designated for parking by persons who have
578 disabilities, if the lot or area is located on the shortest
579 accessible route to an accessible entrance to the theme park or
580 entertainment complex or to transportation to such an accessible

576-02741-21

2021522c2

581 entrance.

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

584 705.17 Exceptions.—

585 (2) Sections 705.1015-705.106 do not apply to any personal
586 property lost or abandoned on premises located within a theme
587 park or entertainment complex, as defined in s. 509.013 ~~s.~~
588 ~~509.013(9)~~, or operated as a zoo, a museum, or an aquarium, or
589 on the premises of a public food service establishment or a
590 public lodging establishment licensed under part I of chapter
591 509, if the owner or operator of such premises elects to comply
592 with s. 705.185.

593 Section 15. Section 705.185, Florida Statutes, is amended
594 to read:

595 705.185 Disposal of personal property lost or abandoned on
596 the premises of certain facilities.—When any lost or abandoned
597 personal property is found on premises located within a theme
598 park or entertainment complex, as defined in s. 509.013 ~~s.~~
599 ~~509.013(9)~~, or operated as a zoo, a museum, or an aquarium, or
600 on the premises of a public food service establishment or a
601 public lodging establishment licensed under part I of chapter
602 509, if the owner or operator of such premises elects to comply
603 with this section, any lost or abandoned property must be
604 delivered to such owner or operator, who must take charge of the
605 property and make a record of the date such property was found.
606 If the property is not claimed by its owner within 30 days after
607 it is found, or a longer period of time as may be deemed
608 appropriate by the owner or operator of the premises, the owner
609 or operator of the premises may not sell and must dispose of the

576-02741-21

2021522c2

610 property or donate it to a charitable institution that is exempt
611 from federal income tax under s. 501(c)(3) of the Internal
612 Revenue Code for sale or other disposal as the charitable
613 institution deems appropriate. The rightful owner of the
614 property may reclaim the property from the owner or operator of
615 the premises at any time before the disposal or donation of the
616 property in accordance with this section and the established
617 policies and procedures of the owner or operator of the
618 premises. A charitable institution that accepts an electronic
619 device, as defined in s. 815.03(9), access to which is not
620 secured by a password or other personal identification
621 technology, shall make a reasonable effort to delete all
622 personal data from the electronic device before its sale or
623 disposal.

624 Section 16. Section 717.1355, Florida Statutes, is amended
625 to read:

626 717.1355 Theme park and entertainment complex tickets.—This
627 chapter does not apply to any tickets for admission to a theme
628 park or entertainment complex as defined in s. 509.013 ~~s.~~
629 ~~509.013(9)~~, or to any tickets to a permanent exhibition or
630 recreational activity within such theme park or entertainment
631 complex.

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

634 877.24 Nonapplication of s. 877.22.—Section 877.22 does not
635 apply to a minor who is:

636 (8) Attending an organized event held at and sponsored by a
637 theme park or entertainment complex as defined in s. 509.013 ~~s.~~
638 ~~509.013(9)~~.

576-02741-21

2021522c2

639 Section 18. The application of this act does not supersede
640 any current or future declaration or declaration of condominium
641 adopted pursuant to chapter 718, Florida Statutes, cooperative
642 document adopted pursuant to chapter 719, Florida Statutes, or
643 declaration or declaration of covenant adopted pursuant to
644 chapter 720, Florida Statutes.

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

650 (2) Notwithstanding any other provision of law, emergency
651 rules adopted pursuant to subsection (1) are effective for 6
652 months after adoption and may be renewed during the pendency of
653 procedures to adopt permanent rules addressing the subject of
654 the emergency rules.

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

656 Section 20. For the 2021-2022 fiscal year, the sums of
657 \$194,042 in recurring funds and \$176,143 in nonrecurring funds
658 from the Hotel and Restaurant Trust Fund are appropriated to the
659 Department of Business and Professional Regulation, and three
660 full-time equivalent positions with a total associated salary
661 rate of 111,036 are authorized for the purpose of implementing
662 this act.

663 Section 21. For the 2021-2022 fiscal year, the sums of
664 \$148,941 in recurring funds and \$363,590 in nonrecurring funds
665 from the General Revenue Fund are appropriated to the Florida
666 Department of Law Enforcement, and two full-time equivalent
667 positions with a total associated salary rate of 90,150 are

576-02741-21

2021522c2

668 authorized for the purpose of implementing this act.

669 Section 22. Except as otherwise expressly provided in this
670 act, this act shall take effect upon becoming a law.