



404456

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/02/2022	.	
	.	
	.	
	.	

The Committee on Community Affairs (Burgess) recommended the following:

Senate Amendment

Delete lines 384 - 589
and insert:
registration requirements provided in this paragraph, or when a law, ordinance, or regulation adopted after June 1, 2011, regulates vacation rentals, if such law, ordinance, or regulation is less restrictive than a law, ordinance, or regulation that was in effect on June 1, 2011. Notwithstanding paragraph (a), a local law, ordinance, or regulation may require



404456

11 the registration of vacation rentals with a local vacation
12 rental registration program. Local governments may adopt a
13 vacation rental registration program pursuant to subparagraph 3.
14 and impose a fine for failure to register under the vacation
15 rental registration program.

16 2. Local governments may charge a fee of no more than \$50
17 for processing an individual registration application or \$100
18 for processing a collective registration application. A local
19 law, ordinance, or regulation may not require renewal of a
20 registration more than once per year. However, if there is a
21 change of ownership, the new owner may be required to submit a
22 new application for registration.

23 3. As a condition of registration, the local law,
24 ordinance, or regulation may only require the owner or operator
25 of a vacation rental to:

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

28 b. Obtain a license as a transient public lodging
29 establishment issued by the division within 60 days after local
30 registration.

31 c. Obtain all required tax registrations, receipts, or
32 certificates issued by the Department of Revenue, a county, or a
33 municipal government.

34 d. Update required information on a continuing basis to
35 ensure it is current.

36 e. Comply with parking standards and solid waste handling
37 and containment requirements, so long as such standards and
38 requirements are not imposed solely on vacation rentals.

39 f. Designate and maintain at all times a responsible party



404456

40 who is capable of responding to complaints and other immediate
41 problems related to the vacation rental, including being
42 available by telephone at a listed phone number.

43 g. Pay in full all recorded municipal or county code liens
44 against the subject property. The local government may withdraw
45 its acceptance of a registration on the basis of an unsatisfied
46 recorded municipal or county code lien.

47 4.a. Within 15 business days after receiving an application
48 for registration of a vacation rental, the local government must
49 review the application for completeness and accept the
50 registration of the vacation rental or issue a written notice
51 specifying with particularity any areas that are deficient. Such
52 notice may be provided by United States mail or electronically.

53 b. The vacation rental owner or operator and the local
54 government may agree to a reasonable request to extend the
55 timeframes provided in this subparagraph, particularly in the
56 event of a force majeure or other extraordinary circumstance.

57 c. When a local government denies an application for
58 registration of a vacation rental, the local government must
59 give written notice to the applicant. Such notice may be
60 provided by United States mail or electronically. The notice
61 must specify with particularity the factual reasons for the
62 denial and include a citation to the applicable portions of an
63 ordinance, a rule, a statute, or other legal authority for the
64 denial of the registration. A local government may not deny any
65 applicant from reapplying if the applicant cures the identified
66 deficiencies.

67 d. If the local government fails to accept or deny the
68 registration within the timeframes provided in this



404456

69 subparagraph, the application is deemed accepted.

70 e. Upon an accepted registration of a vacation rental, a
71 local government shall assign a unique registration number to
72 the vacation rental or other indicia of registration and provide
73 the registration number or other indicia of registration to the
74 owner or operator of the vacation rental in writing or
75 electronically.

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

78 a. The operation of the subject premises violates a
79 registration requirement authorized pursuant to this paragraph
80 or a local law, ordinance, or regulation that does not apply
81 solely to vacation rentals; or

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

85 (d) The regulation of advertising platforms is preempted to
86 the state as provided in this chapter.

87 Section 4. Effective January 1, 2023, subsections (2) and
88 (3) of section 509.241, Florida Statutes, are amended to read:

89 509.241 Licenses required; exceptions.—

90 (2) APPLICATION FOR LICENSE.—Each person who plans to open
91 a public lodging establishment or a public food service
92 establishment shall apply for and receive a license from the
93 division before ~~prior~~ to the commencement of operation. A
94 condominium association, as defined in s. 718.103, which does
95 not own any units classified as vacation rentals or timeshare
96 projects under s. 509.242(1)(c) or (g) is not required to apply
97 for or receive a public lodging establishment license. All



404456

98 applications for a vacation rental license must, if applicable,
99 include the local registration number or other proof of
100 registration required by local law, ordinance, or regulation.
101 Upon receiving an application for a vacation rental license, the
102 division may grant a temporary license that authorizes the
103 vacation rental to begin operation while the application is
104 pending and to post the information required under s.
105 509.243(1)(c). The temporary license automatically expires upon
106 final agency action regarding the license application.

107 (3) DISPLAY OF LICENSE.—Any license issued by the division
108 must shall be conspicuously displayed to the public inside in
109 the office or lobby of the licensed establishment. Public food
110 service establishments that which offer catering services must
111 shall display their license number on all advertising for
112 catering services. The owner or operator of a vacation rental
113 offered for transient occupancy through an advertising platform
114 must also display the vacation rental license number and, if
115 applicable, the local registration number.

116 Section 5. Effective January 1, 2023, section 509.243,
117 Florida Statutes, is created to read:

118 509.243 Advertising platforms.—

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

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

123 2. Attest to the best of the person's knowledge that the
124 license number for the vacation rental property and the local
125 registration are current, valid, and accurately stated in the
126 advertisement.



404456

127 (b) An advertising platform must display the vacation
128 rental license number and, if applicable, the local registration
129 number. Effective July 1, 2023, the advertising platform must
130 check that the vacation rental license number provided by the
131 owner or operator appears as current in the information posted
132 by the division pursuant to paragraph (c) and applies to the
133 subject vacation rental before publishing the advertisement on
134 its platform and again at the end of each calendar quarter that
135 the advertisement remains on its platform.

136 (c) By July 1, 2023, the division shall maintain vacation
137 rental license information in a readily accessible electronic
138 format that is sufficient to facilitate prompt compliance with
139 the requirements of this subsection by an advertising platform
140 or a person placing an advertisement on an advertising platform
141 for transient rental of a vacation rental.

142 (2) An advertising platform must remove from public view an
143 advertisement or a listing from its online application,
144 software, website, or system within 15 business days after being
145 notified by the division in writing that the subject
146 advertisement or listing for the rental of a vacation rental
147 located in this state fails to display a valid license number
148 issued by the division.

149 (3) If a guest uses a payment system on or through an
150 advertising platform to pay for the rental of a vacation rental
151 located in this state, the advertising platform must collect and
152 remit all taxes due under ss. 125.0104, 125.0108, 205.044,
153 212.03, 212.0305, and 212.055 related to the rental as provided
154 in s. 212.03(2) (b).

155 (4) If the division has probable cause to believe that a



404456

156 person not licensed by the division has violated this chapter or
157 any rule adopted pursuant thereto, the division may issue and
158 deliver to such person a notice to cease and desist from the
159 violation. The issuance of a notice to cease and desist does not
160 constitute agency action for which a hearing under s. 120.569 or
161 s. 120.57 may be sought. For the purpose of enforcing a cease
162 and desist notice, the division may file a proceeding in the
163 name of the state seeking the issuance of an injunction or a
164 writ of mandamus against any person who violates any provision
165 of the notice. If the division is required to seek enforcement
166 of the notice for a penalty pursuant to s. 120.69, it is
167 entitled to collect attorney fees and costs, together with any
168 cost of collection.

169 (5) The division may fine an advertising platform an amount
170 not to exceed \$1,000 per offense for violations of this section
171 or of the rules of the division. For the purposes of this
172 subsection, the division may regard as a separate offense each
173 day or portion of a day in which an advertising platform is
174 operated in violation of this section or rules of the division.
175 The division shall issue a written warning or notice and provide
176 the advertising platform 15 days to cure a violation before
177 commencing any legal proceeding under subsection (4).

178 (6) Advertising platforms shall adopt an antidiscrimination
179 policy to help prevent discrimination among their users and
180 shall inform all users of their services that it is illegal to
181 refuse accommodation to an individual based on race, creed,
182 color, sex, pregnancy, physical disability, or national origin
183 pursuant to s. 509.092.

184 (7) Advertising platforms that comply with the requirements



404456

185 of this section are deemed to be in compliance with the
186 requirements of this chapter. This section does not create and
187 is not intended to create a private cause of action against
188 advertising platforms. An advertising platform may not be held
189 liable for any action it takes voluntarily in good faith in
190 relation to its users to comply with this chapter or the
191 advertising platform's terms of service.

192 Section 6. Subsections (10) and (11) are added to section
193 509.261, Florida Statutes, to read:

194 509.261 Revocation or suspension of licenses; fines;
195 procedure.—

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

199 (a) The operation of the subject premises violates the
200 terms of an applicable lease or property restriction, including
201 any property restriction adopted pursuant to chapter 718,
202 chapter 719, or chapter 720, as determined by a final order of a
203 court of competent jurisdiction or a written decision by an
204 arbitrator authorized to arbitrate a dispute relating to the
205 subject property and a lease or property restriction;

206 (b) The owner or operator fails to provide proof of
207 registration, if required by local law, ordinance, or
208 regulation;

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

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



404456

214 (11) The division may suspend, for a period of not more
215 than 30 days, a vacation rental license when the owner or
216 operator has been found by the code enforcement board, pursuant
217 to s. 162.06, to have two or more code violations related