

By Senator Pizzo

37-01559B-23

20231422\_\_

1                   A bill to be entitled  
2           An act relating to public lodging and food service  
3           establishments; amending s. 509.241, F.S.; requiring  
4           an applicant for a vacation rental license to provide  
5           the Division of Hotels and Restaurants of the  
6           Department of Business and Professional Regulation  
7           with certain information; amending s. 509.281, F.S.;  
8           revising penalties for an operator who fails,  
9           neglects, or refuses to obtain a license or pay the  
10          required license fee; providing an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14           Section 1. Subsection (2) of section 509.241, Florida  
15           Statutes, is amended to read:

16           509.241 Licenses required; exceptions.—

17           (2) APPLICATION FOR LICENSE.—Each person who plans to open  
18           a public lodging establishment or a public food service  
19           establishment shall apply for and receive a license from the  
20           division before ~~prior to~~ the commencement of operation.

21           (a) A condominium association, as defined in s. 718.103,  
22           which does not own any units classified as vacation rentals or  
23           timeshare projects under s. 509.242(1)(c) or (g) is not required  
24           to apply for or receive a public lodging establishment license.

25           (b) An applicant for a license for a vacation rental must  
26           provide the division with all of the following information:

27           1. Proof of inspection and compliance with county,  
28           municipal, building, zoning, and firesafety codes reflecting a  
29           change in use from a single-family or multifamily residential

37-01559B-23

20231422\_\_

30 dwelling to a transient public lodging establishment.

31 2. Proof that the underlying homeowner's insurance policy  
32 allows the structure to be used as a transient public lodging  
33 establishment.

34 3. A signed affidavit from the chief executive of the  
35 municipality, or the county if the property is in an  
36 unincorporated area, where the property is located confirming  
37 that operating a vacation rental at that address is allowed.

38 Section 2. Subsection (2) of section 509.281, Florida  
39 Statutes, is amended to read:

40 509.281 Prosecution for violation; duty of state attorney;  
41 penalties.—

42 (2) (a) Except as provided in paragraph (b), any operator  
43 who obstructs or hinders any agent of the division in the proper  
44 discharge of the agent's duties; ~~who fails, neglects, or refuses~~  
45 ~~to obtain a license or pay the license fee required by law; or~~  
46 who fails or refuses to perform any duty imposed upon it by law  
47 or rule commits ~~is guilty of~~ a misdemeanor of the second degree,  
48 punishable as provided in s. 775.082 or s. 775.083.

49 (b) Any operator who fails, neglects, or refuses to obtain  
50 a license or to pay the license fee required by law commits, for  
51 the first offense, a noncriminal violation, punishable as  
52 provided in s. 775.083, and for a second or subsequent offense,  
53 the operator commits a misdemeanor of the first degree,  
54 punishable as provided in s. 775.082 or s. 775.083.

55  
56 Each day that such establishment is operated in violation of law  
57 or rule is a separate offense.

58 Section 3. This act shall take effect October 1, 2023.