

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Daley offered the following:

2

3 **Amendment**

4 Remove lines 481-613 and insert:

5 to have violated a registration requirement authorized pursuant
6 to this paragraph or to have violated a local law, ordinance, or
7 regulation that does not apply solely to vacation rentals, if
8 the local government has issued a written warning or notice
9 after each violation, it may:

10 a. Suspend a registration for a period of up to 30 days
11 for three or more violations during a 120 day period;

074139

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Amendment No.

12 b. Suspend a registration for a period of up to 6 months
13 for a subsequent violation within 6 months of the prior
14 suspension period; and

15 c. Suspend a registration for a period of up to 1 year for
16 a violation of state law or for a subsequent violation of a
17 local law, ordinance, or regulation within a 6 month period
18 following a suspension period imposed pursuant to sub-
19 subparagraph b.

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

22 Section 4. Effective January 1, 2024, subsections (2) and
23 (3) of section 509.241, Florida Statutes, are amended to read:

24 509.241 Licenses required; exceptions.—

25 (2) APPLICATION FOR LICENSE.—Each person who plans to open
26 a public lodging establishment or a public food service
27 establishment shall apply for and receive a license from the
28 division before ~~prior to~~ the commencement of operation. A
29 condominium association, as defined in s. 718.103, which does
30 not own any units classified as vacation rentals or timeshare
31 projects under s. 509.242(1)(c) or (g) is not required to apply
32 for or receive a public lodging establishment license. Upon
33 receiving an application for a vacation rental license, the
34 division may grant a temporary license that authorizes the
35 vacation rental to begin operation while the application is
36 pending and to post the information required under s.

074139

Approved For Filing: 5/1/2023 9:25:16 PM

Amendment No.

37 509.243(1)(c). The temporary license automatically expires upon
38 final agency action regarding the license application.

39 (3) DISPLAY OF LICENSE.—Any license issued by the division
40 must shall be conspicuously displayed to the public inside in
41 the office or lobby of the licensed establishment. Public food
42 service establishments that which offer catering services must
43 shall display their license number on all advertising for
44 catering services. The owner or operator of a vacation rental
45 offered for transient occupancy through an advertising platform
46 must also display the vacation rental license number and, if
47 applicable, the local registration number.

48 Section 5. Effective January 1, 2024, section 509.243,
49 Florida Statutes, is created to read:

50 509.243 Advertising platforms.—

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

53 1. Include in the advertisement the vacation rental
54 license number and, if applicable, the local registration
55 number; and

56 2. Attest to the best of the person's knowledge that the
57 license number for the vacation rental property is current,
58 valid, and accurately stated in the advertisement, and that the
59 local registration number for the vacation rental property is
60 current, valid, and accurately stated in the advertisement or
61 that a local registration is not required.

074139

Approved For Filing: 5/1/2023 9:25:16 PM

Amendment No.

62 (b) An advertising platform must display the vacation
63 rental license number and, if applicable, the local registration
64 number based upon the attestation in subparagraph (a)2.
65 Effective July 1, 2024, the advertising platform must check that
66 the vacation rental license number provided by the owner or
67 operator appears as current in the information posted by the
68 division pursuant to paragraph (c) and applies to the subject
69 vacation rental before publishing the advertisement on its
70 platform and again at the end of each calendar quarter that the
71 advertisement remains on its platform.

72 (c) By July 1, 2024, the division shall maintain vacation
73 rental license information in a readily accessible electronic
74 format that is sufficient to facilitate prompt compliance with
75 the requirements of this subsection by an advertising platform
76 or a person placing an advertisement on an advertising platform
77 for transient rental of a vacation rental.

78 (2) An advertising platform must remove from public view
79 an advertisement or a listing from its online application,
80 software, website, or system within 15 business days after being
81 notified by the division in writing that the subject
82 advertisement or listing for the rental of a vacation rental
83 located in this state fails to display a valid license number
84 issued by the division.

85 (3) If a guest uses a payment system on or through an
86 advertising platform to pay for the rental of a vacation rental

074139

Approved For Filing: 5/1/2023 9:25:16 PM

Amendment No.

87 located in this state, the advertising platform must collect and
88 remit all taxes due under ss. 125.0104, 125.0108, 205.044,
89 212.03, 212.0305, and 212.055 related to the rental as provided
90 in s. 212.03(2)(b).

91 (4) If the division has probable cause to believe that a
92 person not licensed by the division has violated this chapter or
93 any rule adopted pursuant thereto, the division may issue and
94 deliver to such person a notice to cease and desist from the
95 violation. The issuance of a notice to cease and desist does not
96 constitute agency action for which a hearing under s. 120.569 or
97 s. 120.57 may be sought. For the purpose of enforcing a cease
98 and desist notice, the division may file a proceeding in the
99 name of the state seeking the issuance of an injunction or a
100 writ of mandamus against any person who violates any provision
101 of the notice. If the division is required to seek enforcement
102 of the notice for a penalty pursuant to s. 120.69, it is
103 entitled to collect attorney fees and costs, together with any
104 cost of collection.

105 (5) The division may fine an advertising platform an
106 amount not to exceed \$1,000 per offense for violations of this
107 section or of the rules of the division. For the purposes of
108 this subsection, the division may regard as a separate offense
109 each day or portion of a day in which an advertising platform is
110 operated in violation of this section or rules of the division.
111 The division shall issue a written warning or notice and provide

074139

Approved For Filing: 5/1/2023 9:25:16 PM

Amendment No.

112 the advertising platform 15 days to cure a violation before
113 commencing any legal proceeding under subsection (4).

114 (6) Advertising platforms shall adopt an
115 antidiscrimination policy to help prevent discrimination among
116 their users and shall inform all users of their services that it
117 is illegal to refuse accommodation to an individual based on
118 race, creed, color, sex, pregnancy, physical disability, or
119 national origin pursuant to s. 509.092.

120 (7) Advertising platforms that comply with the
121 requirements of this section are deemed to be in compliance with
122 the requirements of this chapter. This section does not create
123 and is not intended to create a private cause of action against
124 advertising platforms. An advertising platform may not be held
125 liable for any action it takes voluntarily in good faith in
126 relation to its users to comply with this chapter or the
127 advertising platform's terms of service.

128 Section 6. Subsection (10) is added to section 509.261,
129 Florida Statutes, to read:

130 509.261 Revocation or suspension of licenses; fines;
131 procedure.—

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

135 (a) The operation of the subject premises violates the
136 terms of an applicable lease or property restriction, including

074139

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Amendment No.

137 any property restriction adopted pursuant to chapter 718,
138 chapter 719, or chapter 720, as determined by a final order of a
139 court of competent jurisdiction or a written decision by an
140 arbitrator authorized to arbitrate a dispute relating to the
141 subject property and a lease or property restriction;

142 (b) The registration of the vacation rental is terminated
143 or suspended by a local government as provided in s.
144 509.032 (7) (b) 5. or 6.; or

074139

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