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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/25/2023	.	
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The Committee on Fiscal Policy (DiCeglie) recommended the following:

Senate Amendment (with title amendment)

Delete lines 420 - 606

and insert:

b. Obtain a license issued by the division to operate as a vacation rental.

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

d. Update required information on a continuing basis to



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11 ensure it is current.

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

15 f. Designate and maintain at all times a responsible party
16 who is capable of responding to complaints and other immediate
17 problems related to the vacation rental, including being
18 available by telephone at a listed phone number.

19 g. State the maximum occupancy of the vacation rental based
20 on the number of sleeping accommodations for persons staying
21 overnight in the vacation rental.

22 h. Pay in full all recorded municipal or county code liens
23 against the subject property.

24 4.a. Within 15 business days after receiving an application
25 for registration of a vacation rental, the local government must
26 review the application for completeness and accept the
27 registration of the vacation rental or issue a written notice
28 specifying with particularity any areas that are deficient. Such
29 notice may be provided by United States mail or electronically.

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

34 c. When a local government denies an application for
35 registration of a vacation rental, the local government must
36 give written notice to the applicant. Such notice may be
37 provided by United States mail or electronically. The notice
38 must specify with particularity the factual reasons for the
39 denial and include a citation to the applicable portions of an



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40 ordinance, a rule, a statute, or other legal authority for the
41 denial of the registration. A local government may not deny an
42 applicant from reapplying if the applicant cures the identified
43 deficiencies.

44 d. If the local government fails to accept or deny the
45 registration within the timeframes provided in this
46 subparagraph, the application is deemed accepted.

47 e. Upon an accepted registration of a vacation rental, a
48 local government shall assign a unique registration number to
49 the vacation rental or other indicia of registration and provide
50 the registration number or other indicia of registration to the
51 owner or operator of the vacation rental in writing or
52 electronically.

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

55 a. There is an unsatisfied recorded municipal lien or
56 county lien on the real property of the vacation rental,
57 provided the local government allows the vacation rental owner
58 at least 60 days before the termination of a registration to
59 satisfy the recorded municipal lien or county code lien;

60 b. The operation of the subject premises violates a
61 registration requirement authorized pursuant to this paragraph
62 or a local law, ordinance, or regulation that does not apply
63 solely to vacation rentals; or

64 c. The premises and its owner are the subject of a final
65 order or judgment lawfully directing the termination of the
66 premises' use as a vacation rental.

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



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

71 509.241 Licenses required; exceptions.—

72 (2) APPLICATION FOR LICENSE.—Each person who plans to open
73 a public lodging establishment or a public food service
74 establishment shall apply for and receive a license from the
75 division before ~~prior to~~ the commencement of operation. A
76 condominium association, as defined in s. 718.103, which does
77 not own any units classified as vacation rentals or timeshare
78 projects under s. 509.242(1)(c) or (g) is not required to apply
79 for or receive a public lodging establishment license. Upon
80 receiving an application for a vacation rental license, the
81 division may grant a temporary license that authorizes the
82 vacation rental to begin operation while the application is
83 pending and to post the information required under s.
84 509.243(1)(c). The temporary license automatically expires upon
85 final agency action regarding the license application.

86 (3) DISPLAY OF LICENSE.—Any license issued by the division
87 must ~~shall~~ be conspicuously displayed to the public inside ~~in~~
88 ~~the office or lobby of the~~ licensed establishment. Public food
89 service establishments that ~~which~~ offer catering services must
90 ~~shall~~ display their license number on all advertising for
91 catering services. The owner or operator of a vacation rental
92 offered for transient occupancy through an advertising platform
93 must also display the vacation rental license number and, if
94 applicable, the local registration number.

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

97 509.243 Advertising platforms.—



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

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

102 2. Attest to the best of the person's knowledge that the
103 license number for the vacation rental property is current,
104 valid, and accurately stated in the advertisement, and that the
105 local registration number for the vacation rental property is
106 current, valid, and accurately stated in the advertisement or
107 that a local registration is not required.

108 (b) An advertising platform must display the vacation
109 rental license number and, if applicable, the local registration
110 number based upon the attestation in subparagraph (a)2.

111 (c) By July 1, 2024, the division shall maintain vacation
112 rental license information in a readily accessible electronic
113 format on its website.

114 (2) An advertising platform must remove from public view an
115 advertisement or a listing from its online application,
116 software, website, or system within 15 business days after being
117 notified by the division in writing that the subject
118 advertisement or listing for the rental of a vacation rental
119 located in this state fails to display a valid license number
120 issued by the division.

121 (3) If a guest uses a payment system on or through an
122 advertising platform to pay for the rental of a vacation rental
123 located in this state, the advertising platform must collect and
124 remit all taxes due under ss. 125.0104, 125.0108, 205.044,
125 212.03, 212.0305, and 212.055 related to the rental as provided
126 in s. 212.03(2) (b).



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127 (4) If the division has probable cause to believe that a
128 person not licensed by the division has violated this chapter or
129 any rule adopted pursuant thereto, the division may issue and
130 deliver to such person a notice to cease and desist from the
131 violation. The issuance of a notice to cease and desist does not
132 constitute agency action for which a hearing under s. 120.569 or
133 s. 120.57 may be sought. For the purpose of enforcing a cease
134 and desist notice, the division may file a proceeding in the
135 name of the state seeking the issuance of an injunction or a
136 writ of mandamus against any person who violates any provision
137 of the notice. If the division is required to seek enforcement
138 of the notice for a penalty pursuant to s. 120.69, it is
139 entitled to collect attorney fees and costs, together with any
140 cost of collection.

141 (5) The division may fine an advertising platform an amount
142 not to exceed \$1,000 per offense for violations of this section
143 or of the rules of the division. For the purposes of this
144 subsection, the division may regard as a separate offense each
145 day or portion of a day in which an advertising platform is
146 operated in violation of this section or rules of the division.
147 The division shall issue a written warning or notice and provide
148 the advertising platform 15 days to cure a violation before
149 commencing any legal proceeding under subsection (4).

150 (6) Advertising platforms shall adopt an antidiscrimination
151 policy to help prevent discrimination among their users and
152 shall inform all users of their services that it is illegal to
153 refuse accommodation to an individual based on race, creed,
154 color, sex, pregnancy, physical disability, or national origin
155 pursuant to s. 509.092.



156 (7) Advertising platforms that comply with the requirements
157 of this section are deemed to be in compliance with the
158 requirements of this chapter. This section does not create and
159 is not intended to create a private cause of action against
160 advertising platforms. An advertising platform may not be held
161 liable for any action it takes voluntarily in good faith in
162 relation to its users to comply with this chapter or the
163 advertising platform's terms of service.

164 Section 6. Subsections (10) and (11) are added to section
165 509.261, Florida Statutes, to read:

166 509.261 Revocation or suspension of licenses; fines;
167 procedure.—

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

171 (a) The operation of the subject premises violates the
172 terms of an applicable lease or property restriction, including
173 any property restriction adopted pursuant to chapter 718,
174 chapter 719, or chapter 720, as determined by a final order of a
175 court of competent jurisdiction or a written decision by an
176 arbitrator authorized to arbitrate a dispute relating to the
177 subject property and a lease or property restriction;

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

180 (c) The premises and its owner are the subject of a final

182 ===== T I T L E A M E N D M E N T =====

183 And the title is amended as follows:

184 Delete lines 28 - 47



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185 and insert:
186 509.241, F.S.; authorizing the Division of Hotels and
187 Restaurants of the Department of Business and
188 Professional Regulation to issue temporary licenses
189 upon receipt of vacation rental license applications;
190 providing for expiration of temporary vacation rental
191 licenses; requiring licenses issued by the division to
192 be displayed conspicuously to the public inside the
193 licensed establishment; requiring the owner or
194 operator of certain vacation rentals to also display
195 its vacation rental license number and applicable
196 local registration number; creating s. 509.243, F.S.;
197 requiring advertising platforms to require that
198 persons placing advertisements for vacation rentals
199 include certain information in the advertisements and
200 attest to certain information; requiring advertising
201 platforms to display and check such information;
202 requiring the division to maintain certain information
203 in a readily accessible electronic format on its
204 website by a certain