

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Duggan offered the following:

2

3 **Amendment (with title amendment)**

4 Remove lines 383-616 and insert:

5 June 1, 2011, including when such law, ordinance, or regulation  
6 is amended to be less restrictive or amended solely to implement  
7 or conform with local registration provisions provided in this  
8 paragraph, or when a law, ordinance, or regulation was adopted  
9 after June 1, 2011, regulating vacation rentals, if such law,  
10 ordinance, or regulation is less restrictive than the law,  
11 ordinance, or regulation that it replaced that was in effect on  
12 June 1, 2011. Notwithstanding paragraph (a), a local law,  
13 ordinance, or regulation may require the registration of

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14 vacation rentals as transient public lodging establishments as  
15 defined in s. 509.013 in conformance with this section. This  
16 paragraph does not prohibit a local law, ordinance, or  
17 regulation from restricting the maximum occupancy for  
18 residential properties that are rented if uniformly applied  
19 without regard to whether the residential property is used as a  
20 vacation rental.

21 2. Local governments may charge a fee of no more than \$100  
22 for processing five or fewer individual vacation rental  
23 registrations or \$200 for processing more than five but fewer  
24 than 26 individual vacation rental registrations as a collective  
25 registration. A local law, ordinance, or regulation may not  
26 require renewal of a registration more than once per year.  
27 However, if there is a change of ownership, the new owner may be  
28 required to submit a new registration.

29 3. As a condition of registration, the local law,  
30 ordinance, or regulation may only require the owner or operator  
31 of a vacation rental to:

32 a. Submit the license number issued by the division to  
33 operate as a vacation rental.

34 b. Submit identifying information about the owner or  
35 operator, including name, address, telephone number, and e-mail  
36 address, and the location of the subject vacation rental  
37 property. In addition, the registrant must identify a  
38 responsible party to receive legal notices on behalf of the

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39 owner or operator.

40 c. Provide contact information for a responsible party,  
41 designated by the registrant, who is capable of responding to  
42 complaints, emergencies, and other immediate problems related to  
43 the vacation rental. Such contact information shall include a  
44 telephone number and e-mail address that can be used by the  
45 local government to contact the responsible party. Any vacation  
46 rental registrant with more than five vacation rentals in the  
47 local jurisdiction must provide contact information for a  
48 responsible party, designated by the registrant, who is  
49 available 24 hours a day, 7 days a week.

50 d. State the maximum occupancy of the vacation rental  
51 based on the number of sleeping accommodations for persons  
52 staying overnight in the vacation rental.

53 4.a. Within 15 business days after receiving a  
54 registration form and payment from a vacation rental owner or  
55 operator, the local government, only reviewing the registration  
56 administratively for completeness, must accept the registration  
57 of the vacation rental if all information has been provided and  
58 the fee has been paid. If the registration is incomplete, the  
59 local government may issue a written notice specifying with  
60 particularity any areas that are deficient. Such notice may be  
61 provided by mail through the United States Postal Service or  
62 electronically by e-mail.

63 b. When a local government issues a notice of deficiency

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64 related to a vacation rental registration, the registrant has 15  
65 days after receipt of the notice to resubmit the registration.

66 c. If the local government fails to accept the  
67 registration or issue a notice of deficiency within the  
68 timeframes provided in this subparagraph, the application is  
69 deemed accepted.

70 d. 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 notify and provide proof to  
77 the division if:

78 a. There is an unsatisfied recorded municipal lien or  
79 county lien on the real property of the vacation rental.

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

83 c. The local code enforcement board, special magistrate,  
84 or other code enforcement authority has found that a vacation  
85 rental has established a pattern and practice of municipal or  
86 county code violations.

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

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

91 509.241 Licenses required; exceptions.—

92 (2) APPLICATION FOR LICENSE.—Each person who plans to open  
93 a public lodging establishment or a public food service  
94 establishment shall apply for and receive a license from the  
95 division before ~~prior to~~ the commencement of operation. A  
96 condominium association, as defined in s. 718.103, which does  
97 not own any units classified as vacation rentals or timeshare  
98 projects under s. 509.242(1)(c) or (g) is not required to apply  
99 for or receive a public lodging establishment license. Upon  
100 receiving an application for a vacation rental license, the  
101 division may grant a temporary license that authorizes the  
102 vacation rental to begin operation while the application is  
103 pending and to post the information required under s.  
104 509.243(1)(c). The temporary license automatically expires upon  
105 final agency action regarding the license application.

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

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114 applicable, the local registration number.

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

117 509.243 Advertising platforms.-

118 (1)(a) Beginning July 1, 2024, an advertising platform  
119 must require that a person who places an advertisement for the  
120 rental of a vacation rental:

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

124 2. Attest to the best of the person's knowledge that the  
125 license number for the vacation rental property is current,  
126 valid, and accurately stated in the advertisement, and that the  
127 local registration number for the vacation rental property is  
128 current, valid, and accurately stated in the advertisement or  
129 that a local registration is not required; and

130 3. Attest to the best of the person's knowledge that the  
131 contact information for a responsible party, designated by the  
132 licensee, who is capable of responding to complaints,  
133 emergencies, and other immediate problems related to the  
134 vacation rental has been provided to the division. Such contact  
135 information shall include a telephone number and e-mail address.  
136 Any vacation rental licensee with more than five vacation  
137 rentals must provide contact information for a responsible  
138 party, designated by the licensee, who is available 24 hours a

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139 day, 7 days a week.

140 (b) Beginning July 1, 2024, an advertising platform must  
141 display the vacation rental license number and, if applicable,  
142 the local registration number based upon the attestation in  
143 subparagraph (a)2.

144 (c) By July 1, 2024, the division shall maintain vacation  
145 rental license information in a readily accessible electronic  
146 format that includes contact information for a responsible party  
147 as provided in subparagraph (a)3.

148 (2) An advertising platform must remove from public view  
149 an advertisement or a listing from its online application,  
150 software, website, or system within 15 business days after being  
151 notified by the division in writing that the subject  
152 advertisement or listing for the rental of a vacation rental  
153 located in this state fails to include a valid license number  
154 issued by the division or that such license has been suspended  
155 or revoked.

156 (3) If a guest uses a payment system on or through an  
157 advertising platform to pay for the rental of a vacation rental  
158 located in this state, the advertising platform must collect and  
159 remit all taxes due under ss. 125.0104, 125.0108, 205.044,  
160 212.03, 212.0305, and 212.055 related to the rental as provided  
161 in s. 212.03(2)(b).

162 (4) If the division has probable cause to believe that a  
163 person not licensed by the division has violated this chapter or

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164 any rule adopted pursuant thereto, the division may issue and  
165 deliver to such person a notice to cease and desist from the  
166 violation. The issuance of a notice to cease and desist does not  
167 constitute agency action for which a hearing under s. 120.569 or  
168 s. 120.57 may be sought. For the purpose of enforcing a cease  
169 and desist notice, the division may file a proceeding in the  
170 name of the state seeking the issuance of an injunction or a  
171 writ of mandamus against any person who violates any provision  
172 of the notice. If the division is required to seek enforcement  
173 of the notice for a penalty pursuant to s. 120.69, it is  
174 entitled to collect attorney fees and costs, together with any  
175 cost of collection.

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

185 (6) Advertising platforms shall adopt an  
186 antidiscrimination policy to help prevent discrimination among  
187 their users and shall inform all users of their services that it  
188 is illegal to refuse accommodation to an individual based on

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189 race, creed, color, sex, pregnancy, physical disability, or  
190 national origin pursuant to s. 509.092.

191 (7) Advertising platforms that comply with the  
192 requirements of this section are deemed to be in compliance with  
193 the requirements of this chapter. This section does not create  
194 and is not intended to create a private cause of action against  
195 advertising platforms. An advertising platform may not be held  
196 liable for any action it takes voluntarily in good faith in  
197 relation to its users to comply with this chapter or the  
198 advertising platform's terms of service.

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

201 509.261 Revocation or suspension of licenses; fines;  
202 procedure.—

203 (10) The division may revoke, refuse to issue or renew, or  
204 suspend for a period of not more than 30 days a vacation rental  
205 license or issue a letter of guidance to a vacation rental  
206 licensee when:

207 (a) The operation of the subject premises violates the  
208 terms of an applicable lease or property restriction, including  
209 any property restriction adopted pursuant to chapter 718,  
210 chapter 719, or chapter 720, as determined by a final order of a  
211 court of competent jurisdiction or a written decision by an  
212 arbitrator authorized to arbitrate a dispute relating to the  
213 subject property and a lease or property restriction.

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214 (b) The premises and its owner are the subject of a final  
215 order or judgment lawfully directing the termination of the  
216 premises' use as a vacation rental.

217 (c) There is an unsatisfied recorded municipal lien or  
218 county lien on the real property of the vacation rental.  
219 However, the division must allow the vacation rental owner at  
220 least 60 days to satisfy the recorded municipal lien or county  
221 lien before the revocation, refusal to issue or renew, or  
222 suspension of a vacation rental license.

223 (d) The local code enforcement board, special magistrate,  
224 or other code enforcement authority has found that a vacation  
225 rental has established a pattern and practice of municipal or  
226 county code violations. The division must consider whether the  
227 licensee has corrected the violations before determining any  
228 discipline.

229 (e) The premises is not registered as a vacation rental in  
230 the local jurisdiction and such jurisdiction requires  
231 registration. However, a licensee may apply for a waiver of the  
232 local registration requirement, and the division may issue the  
233 license, if the local jurisdiction has unreasonably withheld  
234 such registration.

235 (f) The license number for the vacation rental is not  
236 included in advertisements, if required.

237 (g) The licensee has failed to provide contact information  
238 for a responsible party, designated by the licensee, who is

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239 capable of responding to complaints, emergencies, and other  
 240 immediate problems related to the vacation rental to the  
 241 division that includes a telephone number and e-mail address, or  
 242 the licensee that has more than five vacation rentals has failed  
 243 to provide to the division contact information that includes a  
 244 telephone number and an e-mail address for a responsible party,  
 245 designated by the licensee, that is available 24 hours a day, 7  
 246 days a week.

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**T I T L E   A M E N D M E N T**

Remove lines 17-69 and insert:

251 vacation rental registration programs; providing construction;  
 252 authorizing local governments to charge fees up to specified  
 253 amounts for processing registration applications; specifying  
 254 requirements, procedures, and limitations for local vacation  
 255 rental registration programs; authorizing local governments to  
 256 notify and provide proof to a specified entity under certain  
 257 circumstances; preempting the regulation of advertising  
 258 platforms to the state; amending s. 509.241, F.S.; authorizing  
 259 the Division of Hotels and Restaurants of the Department of  
 260 Business and Professional Regulation to issue temporary licenses  
 261 upon receipt of vacation rental license applications; providing  
 262 for expiration of temporary vacation rental licenses; requiring  
 263 that any license issued by the division be displayed

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264 conspicuously to the public inside the licensed establishment;  
265 requiring the owner or operator of certain vacation rentals to  
266 also display the vacation rental license number and applicable  
267 local registration number; creating s. 509.243, F.S.; requiring  
268 advertising platforms to require that persons placing  
269 advertisements for vacation rentals include certain information  
270 in the advertisements and attest to certain information  
271 beginning on a specified date; requiring advertising platforms  
272 to display certain information beginning on a specified date;  
273 requiring the division to maintain certain information in a  
274 readily accessible electronic format by a specified date;  
275 requiring advertising platforms to remove an advertisement or a  
276 listing under certain conditions and within a specified  
277 timeframe; requiring advertising platforms to collect and remit  
278 specified taxes for certain transactions; authorizing the  
279 division to issue and deliver a notice to cease and desist for  
280 certain violations; providing that such notice does not  
281 constitute agency action for which certain hearings may be  
282 sought; authorizing the division to file certain proceedings;  
283 authorizing the division to seek certain remedies for the  
284 purpose of enforcing a cease and desist notice; authorizing the  
285 division to collect attorney fees and costs under certain  
286 circumstances; authorizing the division to impose a fine on  
287 advertising platforms for certain violations; requiring the  
288 division to issue written warnings or notices before commencing

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289 certain legal proceedings; requiring advertising platforms to  
290 adopt an antidiscrimination policy and to inform their users of  
291 the policy's provisions; providing construction; amending s.  
292 509.261, F.S.; authorizing the division to revoke, refuse to  
293 issue or renew, or suspend vacation rental licenses or issue a  
294 letter of guidance to a vacation rental licensee under certain  
295 circumstances; amending

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