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LEGISLATIVE ACTION

Senate

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House

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Senator DiCeglie moved the following:

1           **Senate Substitute for Amendment (523358) (with title**  
2 **amendment)**

3  
4           Delete lines 466 - 613

5 and insert:

6           5. The local government may terminate, or refuse to issue  
7 or renew a vacation rental registration if:

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

10 However, local government must allow the vacation rental owner  
11 at least 60 days before the termination of a registration to



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12 satisfy the recorded municipal lien or county code lien; or  
13 b. The premises and its owner are the subject of a final  
14 order or judgment lawfully directing the termination of the  
15 premises' use as a vacation rental.  
16 6. When the subject premises, the owner, or operator has  
17 been found by the code enforcement board or special magistrate  
18 pursuant to s. 162.06, to have violated a registration  
19 requirement authorized pursuant to this paragraph or to have  
20 violated a local law, ordinance, or regulation that does not  
21 apply solely to vacation rentals, if the local government has  
22 issued a written warning or notice after each violation, it may:  
23 a. Suspend a registration for a period of up to 30 days for  
24 three or more violations during a 90 day period; and  
25 b. Suspend a registration for a period of up to six months  
26 for a subsequent violation within a six month of the prior  
27 suspension period.  
28 (d) The regulation of advertising platforms is preempted to  
29 the state as provided in this chapter.  
30 Section 4. Effective January 1, 2024, subsections (2) and  
31 (3) of section 509.241, Florida Statutes, are amended to read:  
32 509.241 Licenses required; exceptions.—  
33 (2) APPLICATION FOR LICENSE.—Each person who plans to open  
34 a public lodging establishment or a public food service  
35 establishment shall apply for and receive a license from the  
36 division before ~~prior to~~ the commencement of operation. A  
37 condominium association, as defined in s. 718.103, which does  
38 not own any units classified as vacation rentals or timeshare  
39 projects under s. 509.242(1)(c) or (g) is not required to apply  
40 for or receive a public lodging establishment license. Upon



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41 receiving an application for a vacation rental license, the  
42 division may grant a temporary license that authorizes the  
43 vacation rental to begin operation while the application is  
44 pending and to post the information required under s.  
45 509.243(1)(c). The temporary license automatically expires upon  
46 final agency action regarding the license application.

47 (3) DISPLAY OF LICENSE.—Any license issued by the division  
48 must ~~shall~~ be conspicuously displayed to the public inside ~~in~~  
49 the ~~office or lobby of the~~ licensed establishment. Public food  
50 service establishments that ~~which~~ offer catering services must  
51 ~~shall~~ display their license number on all advertising for  
52 catering services. The owner or operator of a vacation rental  
53 offered for transient occupancy through an advertising platform  
54 must also display the vacation rental license number and, if  
55 applicable, the local registration number.

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

58 509.243 Advertising platforms.—

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

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

63 2. Attest to the best of the person's knowledge that the  
64 license number for the vacation rental property is current,  
65 valid, and accurately stated in the advertisement, and that the  
66 local registration number for the vacation rental property is  
67 current, valid, and accurately stated in the advertisement or  
68 that a local registration is not required.

69 (b) An advertising platform must display the vacation



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70 rental license number and, if applicable, the local registration  
71 number based upon the attestation in subparagraph (a)2.  
72 Effective July 1, 2024, the advertising platform must check that  
73 the vacation rental license number provided by the owner or  
74 operator appears as current in the information posted by the  
75 division pursuant to paragraph (c) and applies to the subject  
76 vacation rental before publishing the advertisement on its  
77 platform and again at the end of each calendar quarter that the  
78 advertisement remains on its platform.

79 (c) By July 1, 2024, the division shall maintain vacation  
80 rental license information in a readily accessible electronic  
81 format that is sufficient to facilitate prompt compliance with  
82 the requirements of this subsection by an advertising platform  
83 or a person placing an advertisement on an advertising platform  
84 for transient rental of a vacation rental.

85 (2) An advertising platform must remove from public view an  
86 advertisement or a listing from its online application,  
87 software, website, or system within 15 business days after being  
88 notified by the division in writing that the subject  
89 advertisement or listing for the rental of a vacation rental  
90 located in this state fails to display a valid license number  
91 issued by the division.

92 (3) If a guest uses a payment system on or through an  
93 advertising platform to pay for the rental of a vacation rental  
94 located in this state, the advertising platform must collect and  
95 remit all taxes due under ss. 125.0104, 125.0108, 205.044,  
96 212.03, 212.0305, and 212.055 related to the rental as provided  
97 in s. 212.03(2)(b).

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



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99 person not licensed by the division has violated this chapter or  
100 any rule adopted pursuant thereto, the division may issue and  
101 deliver to such person a notice to cease and desist from the  
102 violation. The issuance of a notice to cease and desist does not  
103 constitute agency action for which a hearing under s. 120.569 or  
104 s. 120.57 may be sought. For the purpose of enforcing a cease  
105 and desist notice, the division may file a proceeding in the  
106 name of the state seeking the issuance of an injunction or a  
107 writ of mandamus against any person who violates any provision  
108 of the notice. If the division is required to seek enforcement  
109 of the notice for a penalty pursuant to s. 120.69, it is  
110 entitled to collect attorney fees and costs, together with any  
111 cost of collection.

112 (5) The division may fine an advertising platform an amount  
113 not to exceed \$1,000 per offense for violations of this section  
114 or of the rules of the division. For the purposes of this  
115 subsection, the division may regard as a separate offense each  
116 day or portion of a day in which an advertising platform is  
117 operated in violation of this section or rules of the division.  
118 The division shall issue a written warning or notice and provide  
119 the advertising platform 15 days to cure a violation before  
120 commencing any legal proceeding under subsection (4).

121 (6) Advertising platforms shall adopt an antidiscrimination  
122 policy to help prevent discrimination among their users and  
123 shall inform all users of their services that it is illegal to  
124 refuse accommodation to an individual based on race, creed,  
125 color, sex, pregnancy, physical disability, or national origin  
126 pursuant to s. 509.092.

127 (7) Advertising platforms that comply with the requirements



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128 of this section are deemed to be in compliance with the  
129 requirements of this chapter. This section does not create and  
130 is not intended to create a private cause of action against  
131 advertising platforms. An advertising platform may not be held  
132 liable for any action it takes voluntarily in good faith in  
133 relation to its users to comply with this chapter or the  
134 advertising platform's terms of service.

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

137 509.261 Revocation or suspension of licenses; fines;  
138 procedure.—

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

142 (a) The operation of the subject premises violates the  
143 terms of an applicable lease or property restriction, including  
144 any property restriction adopted pursuant to chapter 718,  
145 chapter 719, or chapter 720, as determined by a final order of a  
146 court of competent jurisdiction or a written decision by an  
147 arbitrator authorized to arbitrate a dispute relating to the  
148 subject property and a lease or property restriction;

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

151 (c) The premises and its owner are the subject of a final  
152 order or judgment lawfully directing the termination of the  
153 premises' use as a vacation rental.

154  
155 ===== T I T L E A M E N D M E N T =====

156 And the title is amended as follows:



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157 Delete lines 24 - 71  
158 and insert:  
159 authorizing local governments to suspend, terminate,  
160 or refuse to issue or renew vacation rental  
161 registrations under certain circumstances; preempting  
162 the regulation of advertising platforms to the state;  
163 amending s. 509.241, F.S.; authorizing the Division of  
164 Hotels and Restaurants of the Department of Business  
165 and Professional Regulation to issue temporary  
166 licenses upon receipt of vacation rental license  
167 applications; providing for expiration of temporary  
168 vacation rental licenses; requiring that any license  
169 issued by the division be displayed conspicuously to  
170 the public inside the licensed establishment;  
171 requiring the owner or operator of certain vacation  
172 rentals to also display its vacation rental license  
173 number and applicable local registration number;  
174 creating s. 509.243, F.S.; requiring advertising  
175 platforms to require that persons placing  
176 advertisements for vacation rentals include certain  
177 information in the advertisements and attest to  
178 certain information; requiring advertising platforms  
179 to display and check such information; requiring the  
180 division to maintain certain information in a readily  
181 accessible electronic format by a certain date;  
182 requiring advertising platforms to remove an  
183 advertisement or a listing under certain conditions  
184 and within a specified timeframe; requiring  
185 advertising platforms to collect and remit specified



186 taxes for certain transactions; authorizing the  
187 division to issue and deliver a notice to cease and  
188 desist for certain violations; providing that such  
189 notice does not constitute agency action for which  
190 certain hearings may be sought; authorizing the  
191 division to file certain proceedings; authorizing the  
192 division to seek certain remedies for the purpose of  
193 enforcing a cease and desist notice; authorizing the  
194 division to collect attorney fees and costs under  
195 certain circumstances; authorizing the division to  
196 impose a fine on advertising platforms for certain  
197 violations; requiring the division to issue written  
198 warnings or notices before commencing certain legal  
199 proceedings; requiring advertising platforms to adopt  
200 an antidiscrimination policy and to inform their users  
201 of the policy's provisions; providing construction;  
202 amending s. 509.261, F.S.; authorizing the division to  
203 revoke, refuse to issue or renew, or suspend vacation  
204 rental licenses under certain circumstances; amending