

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Fine offered the following:

Amendment (with title amendment)

Remove lines 390-859 and insert:

Section 3. Effective January 1, 2025, subsections (2) and (3) of section 509.241, Florida Statutes, are amended, and subsection (5) is added to that section, to read:

509.241 Licenses required; exceptions; division online accounts and transactions.—

(2) APPLICATION FOR LICENSE.—Each person who plans to open a public lodging establishment or a public food service establishment shall apply for and receive a license from the

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14 division ~~before~~ ~~prior to~~ the commencement of operation. A
15 condominium association, as defined in s. 718.103, which does
16 not own any units classified as vacation rentals or timeshare
17 projects under s. 509.242(1)(c) or (g) is not required to apply
18 for or receive a public lodging establishment license. Upon
19 receiving an application for a vacation rental license, the
20 division may grant a temporary license that authorizes the
21 vacation rental to begin operation while the application is
22 pending. The temporary license automatically expires upon final
23 agency action regarding the license application.

24 (3) DISPLAY OF LICENSE.—~~A~~ ~~Any~~ license issued by the
25 division must ~~shall~~ be conspicuously displayed to the public
26 inside in ~~the office or lobby of the~~ licensed establishment.
27 Public food service establishments that ~~which~~ offer catering
28 services must ~~shall~~ display their license number on all
29 advertising for catering services. The vacation rental's local
30 registration number must, if applicable, be conspicuously
31 displayed inside the vacation rental.

32 (5) UNIQUE IDENTIFIER.—The division shall assign a unique
33 identifier on each vacation rental license which identifies each
34 individual vacation rental dwelling or unit.

35 Section 4. Effective January 1, 2025, section 509.243,
36 Florida Statutes, is created to read:

37 509.243 Advertising platforms.—

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38 (1) An advertising platform shall require that a person
39 who places an advertisement or a listing of a vacation rental
40 which offers it for rent do all of the following:

41 (a) Include in the advertisement or listing the vacation
42 rental license number with the associated unique identifier and,
43 if applicable, the local registration number.

44 (b) Attest to the best of the person's knowledge that the
45 vacation rental's license with the associated unique identifier
46 and, if applicable, its local registration are current and valid
47 and that all related information is accurately stated in the
48 advertisement.

49 (2) An advertising platform shall display the vacation
50 rental license number with the associated unique identifier,
51 and, if applicable, the local registration number.

52 (3) Effective January 1, 2026, an advertising platform:

53 (a) Shall use the vacation rental information system
54 described in s. 509.244 to verify that the vacation rental
55 license number with the associated unique identifier, and, if
56 applicable, the local registration number, are current, valid,
57 and apply to the subject vacation rental before publishing an
58 advertisement or a listing on its platform.

59 (b) May not advertise or list on its platform a vacation
60 rental that fails to provide a valid vacation rental license
61 number with the associated unique identifier, and, if

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62 applicable, the local registration number as indicated on the
63 vacation rental information system described in s. 509.244.

64 (c) Shall remove from public view an advertisement or a
65 listing from its online application, software, website, or
66 system within 15 business days after notification that a
67 vacation rental license, or if applicable, a local registration:

68 1. Has been suspended, revoked, or not renewed; or

69 2. Fails to display a valid vacation rental license number
70 with the associated unique identifier or, if applicable, a local
71 registration number.

72 (d) Shall notify the division within 15 days after any
73 advertisement or listing on its online application, software,
74 website, or system fails to display a valid vacation rental
75 license number with associated unique identifier or, if
76 applicable, a local registration number.

77 (e) Shall provide to the division on a quarterly basis, in
78 a manner compatible with the vacation rental information system
79 described in s. 509.244, a list of all vacation rentals located
80 in this state which are advertised on its platform. The list
81 must include the following information:

82 1. The uniform resource locator for the Internet address
83 of the vacation rental advertisement;

84 2. The physical address of the vacation rental, including
85 any unit designation;

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86 3. The vacation rental license number with the associated
87 unique identifier, and, if applicable, the local registration
88 number;

89 4. The applicable Florida tax registration number or local
90 tourist development tax account number under which taxes related
91 to the rental will be remitted as provided in s. 212.03(2);

92 5. The name of the vacation rental owner or operator;

93 6. Listed by the calendar date, the individual periods
94 that the vacation rental is rented; and

95 7. The itemized amounts collected or processed by the
96 advertising platform for the rental, taxes, and all other
97 charges.

98
99 Upon request, the division shall share any report and underlying
100 records provided by an advertising platform pursuant to this
101 paragraph with the Department of Revenue, local taxing
102 authorities, and local governments. These records may be used
103 for auditing and enforcement purposes.

104 (4) If a guest uses a payment system on or through an
105 advertising platform to pay for the rental of a vacation rental
106 located in this state, the advertising platform must collect and
107 remit all taxes due under ss. 125.0104, 125.0108, 205.044,
108 212.03, 212.0305, and 212.055 related to the rental as provided
109 in s. 212.03(2)(b).

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110 (5) If the division has probable cause to believe that a
111 person not licensed by the division has violated this chapter or
112 any rule adopted pursuant thereto, the division may issue and
113 deliver to such person a notice to cease and desist from the
114 violation. The issuance of a notice to cease and desist does not
115 constitute agency action for which a hearing under s. 120.569 or
116 s. 120.57 may be sought. For the purpose of enforcing a cease
117 and desist notice, the division may file a proceeding in the
118 name of the state seeking the issuance of an injunction or a
119 writ of mandamus against any person who violates any provision
120 of the notice. If the division is required to seek enforcement
121 of the notice for a penalty pursuant to s. 120.69, it is
122 entitled to collect attorney fees and costs, together with any
123 cost of collection.

124 (6) The division may fine an advertising platform an
125 amount not to exceed \$1,000 per offense for each violation of
126 this section or of division rule. For the purposes of this
127 subsection, the division may regard as a separate offense each
128 day or portion of a day in which an advertising platform is
129 operated in violation of this section or rules of the division.
130 The division shall issue to the advertising platform a written
131 notice of any violation and provide it 15 days to cure the
132 violation before commencing any legal proceeding under
133 subsection (5).

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134 (7) An advertising platform shall adopt an
135 antidiscrimination policy to help prevent discrimination by its
136 users and shall inform all users that it is illegal to refuse
137 accommodation to an individual based on race, creed, color, sex,
138 pregnancy, physical disability, or national origin, as provided
139 in s. 509.092.

140 (8) This section does not create a private cause of action
141 against advertising platforms. An advertising platform may not
142 be held liable for any action that it takes voluntarily and in
143 good faith in relation to its users in compliance with this
144 chapter or the advertising platform's terms of service.

145 Section 5. Section 509.244, Florida Statutes, is created
146 to read:

147 509.244 Vacation rental information system.—

148 (1) As used in this section, the term "application program
149 interface" means a predefined protocol for reading or writing
150 data across a network using a file system or a database.

151 (2) By July 1, 2025, the division shall create and
152 maintain a vacation rental information system readily accessible
153 through an application program interface. At a minimum, the
154 system must do all of the following:

155 (a) Facilitate prompt compliance with this chapter by a
156 licensee or an advertising platform.

157 (b) Allow advertising platforms to search by vacation
158 rental license number with the associated unique identifier,

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159 applicable local registration number, and a listing status field
160 that indicates whether the premises is compliant with applicable
161 license and registration requirements to allow a platform to
162 determine whether it may advertise the vacation rental.

163 (c) Allow local government users to notify the division of
164 a revocation or failure to renew, or the period of suspension
165 of, a local registration, if applicable.

166 (d) Provide a system interface to allow local governments
167 and advertising platforms to verify the status of a vacation
168 rental license and a local registration of a vacation rental, if
169 applicable.

170 (e) Allow a registered user to subscribe to receive
171 automated notifications of changes to the license and
172 registration status of a vacation rental, including any license
173 revocation, local registration revocation, period of suspension
174 imposed by the division or local government, or failure to renew
175 a license or local registration.

176 Section 6. Subsection (11) is added to section 509.261,
177 Florida Statutes, to read:

178 509.261 Revocation or suspension of licenses; fines;
179 procedure.-

180 (11) (a) The division may revoke, refuse to issue or renew,
181 or suspend for a period of not more than 30 days a license of a
182 vacation rental for any of the following reasons:

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183 1. Operation of the subject premises violates the terms of
 184 an applicable lease or property restriction, including any
 185 property restriction adopted pursuant to chapter 718, chapter
 186 719, or chapter 720, as determined by a final order of a court
 187 of competent jurisdiction or a written decision by an arbitrator
 188 authorized to arbitrate a dispute relating to the subject
 189 premises and a lease or property restriction.

190 2. The vacation rental premises and its owner are the
 191 subject of a final order or judgment lawfully directing the
 192 termination of the premises' use as a vacation rental.

193 (b) The division must specify the license number with the
 194 associated unique identifier of the vacation rental dwelling or
 195 unit which has been revoked, not renewed, or suspended and input
 196 such status in the vacation rental information system described
 197 in s. 509.244.

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200 **T I T L E A M E N D M E N T**

201 Remove lines 8-130 and insert:
 202 509.241, F.S.; authorizing the division to issue
 203 temporary licenses upon receipt of vacation rental
 204 license applications while such applications are
 205 pending; providing for expiration of such licenses;
 206 requiring that any license issued by the division be
 207 conspicuously displayed to the public inside the

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208 licensed establishment; requiring that a vacation
209 rental's registration number, if applicable, be
210 conspicuously displayed inside the vacation rental;
211 requiring the division to assign a unique identifier
212 on each vacation rental license which identifies each
213 individual vacation rental dwelling or unit; creating
214 s. 509.243, F.S.; requiring advertising platforms to
215 require that persons placing advertisements or
216 listings for vacation rentals include certain
217 information in the advertisements or listings and
218 attest to certain information; requiring advertising
219 platforms to display certain information; requiring,
220 as of a specified date, advertising platforms to
221 verify certain information before publishing an
222 advertisement or listing on their platforms, prohibit
223 and remove from public view an advertisement or a
224 listing under certain circumstances, and make certain
225 notifications and provide certain information to the
226 division; requiring the division, upon request, to
227 share certain reports and records with the Department
228 of Revenue, local tax authorities, and local
229 governments; providing that such records may be used
230 for auditing and enforcement purposes; requiring
231 advertising platforms to collect and remit specified
232 taxes for certain transactions; authorizing the

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233 | division to issue and deliver a notice to cease and
234 | desist for certain violations; providing that such
235 | notice does not constitute agency action for which
236 | certain hearings may be sought; authorizing the
237 | division to issue cease and desist notices in certain
238 | circumstances; providing that issuance of such notice
239 | does not constitute an agency action; authorizing the
240 | division to file certain proceedings for the purpose
241 | of enforcing a cease and desist notice; authorizing
242 | the division to collect attorney fees and costs under
243 | certain circumstances; authorizing the division to
244 | impose a fine on advertising platforms for certain
245 | violations; requiring the division to issue written
246 | notice of violations to advertising platforms before
247 | commencing certain legal proceedings; requiring
248 | advertising platforms to adopt an antidiscrimination
249 | policy and to inform their users of the policy's
250 | provisions; providing construction; creating s.
251 | 509.244, F.S.; defining the term "application program
252 | interface"; requiring the division, by a specified
253 | date, to create and maintain a certain vacation rental
254 | information system; specifying requirements for the
255 | system; amending s. 509.261, F.S.; authorizing the
256 | division to revoke, refuse to issue or renew, or
257 | suspend vacation rental licenses under certain

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258 | circumstances; requiring the division to specify the
259 | number of the license number of the vacation rental
260 | dwelling or unit which has been revoked, not renewed,
261 | or suspended; requiring the division to input such
262 | status in the vacation rental information system;
263 | amending ss. 159.27,

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