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LEGISLATIVE ACTION

Senate

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House

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Floor: 2/AD/2R

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02/01/2024 09:37 AM

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Senator DiCeglie moved the following:

Senate Amendment (with title amendment)

Delete lines 465 - 736

and insert:

a fine for failure to register under the local program. A local government must prepare a business impact estimate in accordance with s. 125.66(3) or s. 166.041(4), as applicable, before implementing a vacation rental registration program.

(a) A local government may charge a reasonable fee per unit for processing a registration application. A local law,



11 ordinance, or regulation may require annual renewal of a
12 registration and may charge a reasonable renewal fee per unit
13 for processing of a registration renewal. However, if there is a
14 change of ownership, the new owner may be required to submit a
15 new application for registration. Subsequent to the registration
16 of a vacation rental, a local government may charge a reasonable
17 fee to inspect a vacation rental after registration for
18 compliance with the Florida Building Code and the Florida Fire
19 Prevention Code, described in ss. 553.80 and 633.206,
20 respectively.

21 (b) As a condition of registration or renewal of a vacation
22 rental, a local law, ordinance, or regulation establishing a
23 local vacation rental registration program may only require the
24 operator of a vacation rental to do the following:

25 1. Submit identifying information about the owner and the
26 operator, if applicable, and the subject vacation rental
27 premises.

28 2. Provide proof of a license with the unique identifier
29 issued by the division to operate as a vacation rental.

30 3. Obtain all required tax registrations, receipts, or
31 certificates issued by the Department of Revenue, a county, or a
32 municipality.

33 4. Update required information as necessary to ensure it is
34 current.

35 5. Designate and maintain at all times a responsible party
36 who is capable of responding to complaints or emergencies
37 related to the vacation rental, including being available by
38 telephone at a provided contact telephone number 24 hours a day,
39 7 days a week, and receiving legal notice of violations on



537920

40 behalf of the vacation rental operator.

41 6. State and comply with the maximum overnight occupancy of
42 the vacation rental which do not exceed either two persons per
43 bedroom, plus an additional two persons in one common area; or
44 more than two persons per bedroom if there is at least 50 square
45 feet per person, plus an additional two persons in one common
46 area, whichever is greater.

47 7. Pay in full all recorded municipal or county code liens
48 against the subject vacation rental premises.

49 (c) Within 15 business days after receiving an application
50 for registration of a vacation rental, a local government shall
51 review the application for completeness and accept the
52 registration of the vacation rental or issue a written notice of
53 denial.

54 1. The vacation rental operator and the local government
55 may agree to a reasonable request to extend the timeframes
56 provided in this paragraph, particularly in the event of a force
57 majeure or other extraordinary circumstance.

58 2. If a local government fails to accept or deny the
59 registration within the timeframes provided in this paragraph,
60 the application is deemed accepted.

61 (d) If a local government denies a registration of a
62 vacation rental, the local government must give written notice
63 to the applicant. Such notice may be provided by United States
64 mail or electronically. The notice must specify with
65 particularity the factual reasons for the denial and include a
66 citation to the applicable portions of the ordinance, rule,
67 statute, or other legal authority for the denial of the
68 registration. A local government may not prohibit an applicant



537920

69 from reapplying if the applicant cures the identified
70 deficiencies.

71 (e)1. Upon acceptance of a vacation rental registration, a
72 local government shall assign a unique registration number to
73 the vacation rental unit and provide the registration number or
74 other indicia of registration to the vacation rental operator in
75 writing or electronically.

76 2. A local government shall, within 5 days after acceptance
77 of a vacation rental registration, provide the registration
78 number to the division.

79 (f)1. A local government may fine a vacation rental
80 operator up to \$500 if he or she:

81 a. Fails to continue to meet the registration requirements
82 in paragraph (b);

83 b. Is operating a vacation rental without registering it
84 with the local government as a vacation rental; or

85 c. Fails to provide the division with the unique
86 registration number as required in paragraph (e).

87 2. Before issuing a fine, the local government shall issue
88 written notice of such violation and provide a vacation rental
89 operator 15 days to cure the violation. If the vacation rental
90 operator has not cured the violation within the 15 days, the
91 local government may issue a fine.

92 (g) A certified copy of an order imposing a fine may be
93 recorded in the public records and thereafter constitutes a lien
94 against the real property on which the violation exists and upon
95 any other real or personal property owned by the violator. Upon
96 petition to the circuit court, such order is enforceable in the
97 same manner as a court judgment by the sheriffs of this state,



537920

98 including execution and levy against the personal property of
99 the violator, but such order may not be deemed to be a court
100 judgment except for enforcement purposes. A fine imposed
101 pursuant to this subsection will continue to accrue until the
102 violator comes into compliance or until judgment is rendered in
103 a suit filed pursuant to this section, whichever occurs first. A
104 lien arising from a fine imposed pursuant to this subsection
105 runs in favor of the local government, and the local government
106 shall execute a satisfaction or release of lien upon full
107 payment. If such lien remains unpaid 3 months or more after the
108 filing of the lien, the local government may foreclose on the
109 lien against the real property on which the violation exists or
110 sue to recover a money judgment for the amount of the lien, plus
111 accrued interest. A lien created pursuant to this part may not
112 be foreclosed on real property that is a homestead under s. 4,
113 Art. X of the State Constitution. The money judgment provisions
114 of this section do not apply to real property or personal
115 property that is covered under s. 4(a), Art. X of the State
116 Constitution.

117 (h)1. If a code violation related to the vacation rental is
118 found by the code enforcement board or special magistrate to be
119 a material violation of a local law, ordinance, or regulation
120 that does not solely apply to vacation rentals, and the
121 violation is directly related to the vacation rental premises,
122 the local government must issue a written notice of such
123 violation.

124 2. If a code violation related to the vacation rental is
125 found to be a material violation of a local law, ordinance, or
126 regulation as described in subparagraph 1., the code enforcement



537920

127 board or special magistrate must make a recommendation to the
128 local government as to whether a vacation rental registration
129 should be suspended.

130 3. The code enforcement board or special magistrate must
131 recommend the suspension of the vacation rental registration if
132 there are:

133 a. One or more violations on 5 separate days during a 60-
134 day period;

135 b. One or more violations on 5 separate days during a 30-
136 day period; or

137 c. One or more violations after two prior suspensions of
138 the vacation rental registration.

139 4. If the code enforcement board or special magistrate
140 recommends suspension of a vacation rental registration, a local
141 government may suspend such registration for a period of:

142 a. Up to 30 days for one or more violations on 5 separate
143 days during a 60-day period;

144 b. Up to 60 days for one or more violations on 5 separate
145 days during a 30-day period; or

146 c. Up to 90 days for one or more violations after two prior
147 suspensions of a vacation rental registration.

148 5. A local government may not suspend a vacation rental
149 registration for violations of a local law, ordinance, or
150 regulation which are not directly related to the vacation rental
151 premises.

152 6. A local government shall provide notice of the
153 suspension of a vacation rental registration to the vacation
154 rental operator and the division within 5 days after the
155 suspension. The notice must include the start date of the



156 suspension, which must be at least 21 days after the suspension
157 notice is sent to the vacation rental operator and the division.
158 Effective January 1, 2026, a local government shall use the
159 vacation rental information system described in s. 509.244 to
160 provide notice of the suspension of a vacation rental
161 registration to the division.

162 (i)1. A local government may revoke or refuse to renew a
163 vacation rental registration if:

164 a. A vacation rental registration has been suspended three
165 times pursuant to paragraph (h);

166 b. There is an unsatisfied, recorded municipal lien or
167 county lien on the real property of the vacation rental.

168 However, the local government shall allow the vacation rental
169 operator at least 60 days before the revocation of a
170 registration to satisfy the recorded municipal lien or county
171 lien; or

172 c. The vacation rental premises and its owner are the
173 subject of a final order or judgment by a court of competent
174 jurisdiction lawfully directing the termination of the premises'
175 use as a vacation rental.

176 2. A local government shall provide notice within 5 days
177 after the revocation of, or refusal to renew, a vacation rental
178 registration to the vacation rental operator and the division.
179 The notice must include the date of revocation or nonrenewal,
180 which must be at least 21 days after the date such notice is
181 sent to the vacation rental operator and the division. Effective
182 January 1, 2026, a local government shall use the vacation
183 rental information system described in s. 509.244 to provide
184 notice of the revocation of or refusal to renew a vacation



537920

185 rental registration to the division.

186 (j) A vacation rental operator may appeal a denial,
187 suspension, or revocation of a vacation rental registration, or
188 a refusal to renew such registration, to the circuit court. An
189 appeal must be filed within 30 days after the issuance of the
190 denial, suspension, or revocation of, or refusal to renew, the
191 vacation rental registration. The court may assess and award
192 reasonable attorney fees and costs and damages to the prevailing
193 party.

194
195 This subsection does not prohibit a local government from
196 establishing a local law, ordinance, or regulation if it is
197 uniformly applied without regard to whether the residential
198 property is used as a vacation rental.

199 Section 4. Effective January 1, 2025, subsections (2) and
200 (3) of section 509.241, Florida Statutes, are amended, and
201 subsection (5) is added to that section, to read:

202 509.241 Licenses required; exceptions; division online
203 accounts and transactions.-

204 (2) APPLICATION FOR LICENSE.-Each person who plans to open
205 a public lodging establishment or a public food service
206 establishment shall apply for and receive a license from the
207 division before ~~prior to~~ the commencement of operation. A
208 condominium association, as defined in s. 718.103, which does
209 not own any units classified as vacation rentals or timeshare
210 projects under s. 509.242(1)(c) or (g) is not required to apply
211 for or receive a public lodging establishment license. Upon
212 receiving an application for a vacation rental license, the
213 division may grant a temporary license that authorizes the



214 vacation rental to begin operation while the application is
215 pending. The temporary license automatically expires upon final
216 agency action regarding the license application.

217 (3) DISPLAY OF LICENSE.—A Any license issued by the
218 division must shall be conspicuously displayed to the public
219 inside in the office or lobby of the licensed establishment.
220 Public food service establishments that which offer catering
221 services must shall display their license number on all
222 advertising for catering services. The vacation rental's local
223 registration number must, if applicable, be conspicuously
224 displayed inside the vacation rental.

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

228 Section 5. Effective January 1, 2025, section 509.243,
229 Florida Statutes, is created to read:

230 509.243 Advertising platforms.—

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

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

237 (b) Attest to the best of the person's knowledge that the
238 vacation rental's license with the associated unique identifier
239 and, if applicable, its local registration are current and valid
240 and that all related information is accurately stated in the
241 advertisement.

242 (2) An advertising platform shall display the vacation



537920

243 rental license number with the associated unique identifier,
244 and, if applicable, the local registration number.

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

246 (a) Shall use the vacation rental information system
247 described in s. 509.244 to verify that the vacation rental
248 license number with the associated unique identifier, and, if
249 applicable, the local registration number, are current, valid,
250 and apply to the subject vacation rental before publishing an
251 advertisement or a listing on its platform.

252 (b) May not advertise or list on its platform a vacation
253 rental that fails to provide a valid vacation rental license
254 number with the associated unique identifier, and, if
255 applicable, the local registration number as indicated on the
256 vacation rental information system described in s. 509.244.

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

261 1. Has been suspended, revoked, or not renewed; or
262 2. Fails to display a valid vacation rental license number
263 with the associated unique identifier or, if applicable, a local
264 registration number.

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

270 (e) Shall provide to the division on a quarterly basis, in
271 a manner compatible with the vacation rental information system



272 described in s. 509.244, a list of all vacation rentals located
273 in this state which are advertised on its platform. The list
274 must include the following information:

275 1. The uniform resource locator for the Internet address of
276 the vacation rental advertisement;

277 2. The physical address of the vacation rental, including
278 any unit designation;

279 3. The vacation rental license number with the associated
280 unique identifier, and, if applicable, the local registration
281 number;

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

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

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

288 7. The itemized amounts collected or processed by the
289 advertising platform for the rental, taxes, and all other
290 charges.

291
292 Upon request, the division shall share any report and underlying
293 records provided by an advertising platform pursuant to this
294 paragraph with the Department of Revenue, local taxing
295 authorities, and local governments. These records may be used
296 for auditing and enforcement purposes.

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

299 And the title is amended as follows:

300 Delete lines 19 - 124



537920

301 and insert:
302 for failure to register; requiring a local government
303 to prepare a business impact estimate under certain
304 circumstances; authorizing local governments to charge
305 a reasonable fee for processing registration
306 applications; authorizing local laws, ordinances, or
307 regulations to require annual renewal of a
308 registration and to charge a reasonable fee for such
309 renewal; providing that a change in ownership may
310 require a new application for registration;
311 authorizing local governments to charge a reasonable
312 fee to inspect a vacation rental for a specified
313 purpose; specifying requirements and procedures for,
314 and limitations on, local vacation rental registration
315 programs; authorizing local governments to fine
316 vacation rental operators under certain circumstances;
317 specifying procedures related to the imposition of
318 fines; providing applicability relating to certain
319 money judgment provisions; requiring local governments
320 to issue a written notice of violation under certain
321 circumstances; requiring the code enforcement board or
322 special magistrate to make certain recommendations
323 under specified circumstances; authorizing local
324 governments to suspend a vacation rental registration
325 for specified periods of time; prohibiting local
326 governments from suspending a vacation rental
327 registration for violations that are not directly
328 related to the vacation rental premises; requiring
329 local governments to provide notice of registration



330 suspension, within a specified timeframe, to vacation
331 rental operators and the Division of Hotels and
332 Restaurants of the Department of Business and
333 Professional Regulation; providing requirements for
334 such notice; requiring, by a certain date, local
335 governments to use the vacation rental information
336 system to provide such notice to the division;
337 providing that local governments may revoke or refuse
338 to renew a vacation rental registration under certain
339 circumstances; requiring local governments to provide
340 notice of revocation of or refusal to renew a vacation
341 rental registration to vacation rental operators and
342 the division within a specified timeframe; requiring,
343 by a certain date, local governments to use the
344 vacation rental information system to provide such
345 notice to the division; providing that vacation rental
346 operators may appeal a denial, suspension, or
347 revocation of, or a refusal to renew, the registration
348 of a vacation rental; providing procedures for such
349 appeal; providing construction; amending s. 509.241,
350 F.S.; authorizing the division to issue temporary
351 licenses upon receipt of vacation rental license
352 applications while such applications are pending;
353 providing for expiration of such licenses; requiring
354 that any license issued by the division be
355 conspicuously displayed to the public inside the
356 licensed establishment; requiring that a vacation
357 rental's registration number, if applicable, be
358 conspicuously displayed inside the vacation rental;



359 requiring the division to assign a unique identifier
360 on each vacation rental license which identifies each
361 individual vacation rental dwelling or unit; creating
362 s. 509.243, F.S.; requiring advertising platforms to
363 require that persons placing advertisements or
364 listings for vacation rentals include certain
365 information in the advertisements or listings and
366 attest to certain information; requiring advertising
367 platforms to display certain information; requiring,
368 as of a specified date, advertising platforms to
369 verify certain information before publishing an
370 advertisement or listing on their platforms, prohibit
371 and remove from public view an advertisement or a
372 listing under certain circumstances, and make certain
373 notifications and provide certain information to the
374 division; requiring the division, upon request, to
375 share certain reports and records with the Department
376 of Revenue, local tax authorities, and local
377 governments; providing that such records may be used
378 for auditing and enforcement purposes; requiring
379 advertising platforms to collect and remit specified
380 taxes for certain transactions; authorizing the
381 division to issue and deliver a notice to cease and
382 desist for certain violations; providing that such
383 notice does not constitute agency action for which
384 certain hearings may be sought; authorizing the
385 division to issue cease and desist notices in certain
386 circumstances; providing that issuance of such notice
387 does not constitute an agency action; authorizing the



537920

388 division to file certain proceedings for the purpose
389 of enforcing a cease and desist notice; authorizing
390 the division to collect attorney fees and costs under
391 certain circumstances; authorizing the division to
392 impose a fine on advertising platforms for certain
393 violations; requiring the division to issue written
394 notice of violations to advertising platforms before
395 commencing certain legal proceedings; requiring
396 advertising platforms to adopt an antidiscrimination
397 policy and to inform their users of the policy's
398 provisions; providing construction; creating s.
399 509.244, F.S.; defining the term "application program
400 interface"; requiring the division, by a specified
401 date, to create and maintain a certain vacation rental
402 information system; specifying requirements for the
403 system; amending s. 509.261, F.S.; authorizing the
404 division to revoke, refuse to issue or renew, or
405 suspend vacation rental licenses under certain
406 circumstances; requiring the division to specify the
407 number of the license number of the vacation rental
408 dwelling or unit which has been revoked, not renewed,
409 or suspended; requiring the division to input such
410 status in the vacation