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LEGISLATIVE ACTION

Senate

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House

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Floor: WD

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02/01/2024 08:31 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,



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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



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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



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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 must provide the vacation rental
77 registration number to the division within 5 days after receipt
78 of the registration number.

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,



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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



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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



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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



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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, present paragraph (c)
200 of subsection (4) of section 509.241, Florida Statutes, is
201 redesignated as paragraph (d), a new paragraph (c) is added to
202 that subsection, subsection (5) is added to that section, and
203 subsections (2) and (3) of that section are amended, to read:

204 509.241 Licenses required; exceptions; division online
205 accounts and transactions.—

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



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214 receiving an application for a vacation rental license, the
215 division may grant a temporary license that authorizes the
216 vacation rental to begin operation while the application is
217 pending. The temporary license automatically expires upon final
218 agency action regarding the license application.

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

227 (4) ONLINE ACCOUNT AND TRANSACTIONS.—Each person who plans
228 to open a public lodging establishment or a public food service
229 establishment and each licensee or licensed agent must create
230 and maintain a division online account and provide an e-mail
231 address to the division to function as the primary contact for
232 all communication from the division.

233 (c) Each vacation rental operator managing a license
234 classified as a vacation rental as defined in s. 509.242(1)(c)
235 must submit to the division, through the division's online
236 system, any applicable local vacation rental registration number
237 within 5 days after registration.

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

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



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243 509.243 Advertising platforms.—

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

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

250 (b) Attest to the best of the person's knowledge that the
251 vacation rental's license with the associated unique identifier
252 and, if applicable, its local registration are current and valid
253 and that all related information is accurately stated in the
254 advertisement.

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

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

259 (a) Shall use the vacation rental information system
260 described in s. 509.244 to verify that the vacation rental
261 license number with the associated unique identifier, and, if
262 applicable, the local registration number, are current, valid,
263 and apply to the subject vacation rental before publishing an
264 advertisement or a listing on its platform.

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

270 (c) Shall remove from public view an advertisement or a
271 listing from its online application, software, website, or



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272 system within 15 business days after notification that a
273 vacation rental license, or if applicable, a local registration:

- 274 1. Has been suspended, revoked, or not renewed; or
275 2. Fails to display a valid vacation rental license number
276 with the associated unique identifier or, if applicable, a local
277 registration number.

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

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

288 1. The uniform resource locator for the Internet address of
289 the vacation rental advertisement;

290 2. The physical address of the vacation rental, including
291 any unit designation;

292 3. The vacation rental license number with the associated
293 unique identifier, and, if applicable, the local registration
294 number;

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

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

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



301 7. The itemized amounts collected or processed by the
302 advertising platform for the rental, taxes, and all other
303 charges.

304
305 Upon request, the division shall share any report and underlying
306 records provided by an advertising platform pursuant to this
307 paragraph with the Department of Revenue, local taxing
308 authorities, and local governments. These records may be used
309 for auditing and enforcement purposes.

310
311 ===== T I T L E A M E N D M E N T =====

312 And the title is amended as follows:

313 Delete lines 19 - 124

314 and insert:

315 for failure to register; requiring a local government
316 to prepare a business impact estimate under certain
317 circumstances; authorizing local governments to charge
318 a reasonable fee for processing registration
319 applications; authorizing local laws, ordinances, or
320 regulations to require annual renewal of a
321 registration and to charge a reasonable fee for such
322 renewal; providing that a change in ownership may
323 require a new application for registration;
324 authorizing local governments to charge a reasonable
325 fee to inspect a vacation rental for a specified
326 purpose; specifying requirements and procedures for,
327 and limitations on, local vacation rental registration
328 programs; authorizing local governments to fine
329 vacation rental operators under certain circumstances;



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330 specifying procedures related to the imposition of
331 fines; providing applicability relating to certain
332 money judgment provisions; requiring local governments
333 to issue a written notice of violation under certain
334 circumstances; requiring the code enforcement board or
335 special magistrate to make certain recommendations
336 under specified circumstances; authorizing local
337 governments to suspend a vacation rental registration
338 for specified periods of time; prohibiting local
339 governments from suspending a vacation rental
340 registration for violations that are not directly
341 related to the vacation rental premises; requiring
342 local governments to provide notice of registration
343 suspension, within a specified timeframe, to vacation
344 rental operators and the Division of Hotels and
345 Restaurants of the Department of Business and
346 Professional Regulation; providing requirements for
347 such notice; requiring, by a certain date, local
348 governments to use the vacation rental information
349 system to provide such notice to the division;
350 providing that local governments may revoke or refuse
351 to renew a vacation rental registration under certain
352 circumstances; requiring local governments to provide
353 notice of revocation of or refusal to renew a vacation
354 rental registration to vacation rental operators and
355 the division within a specified timeframe; requiring,
356 by a certain date, local governments to use the
357 vacation rental information system to provide such
358 notice to the division; providing that vacation rental



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359 operators may appeal a denial, suspension, or
360 revocation of, or a refusal to renew, the registration
361 of a vacation rental; providing procedures for such
362 appeal; providing construction; amending s. 509.241,
363 F.S.; authorizing the division to issue temporary
364 licenses upon receipt of vacation rental license
365 applications while such applications are pending;
366 providing for expiration of such licenses; requiring
367 that any license issued by the division be
368 conspicuously displayed to the public inside the
369 licensed establishment; requiring that a vacation
370 rental's registration number, if applicable, be
371 conspicuously displayed inside the vacation rental;
372 requiring vacation rental operators managing a license
373 classified as a vacation rental to submit local
374 vacation rental registration numbers, if applicable,
375 within a specified timeframe to the division through
376 the division's online system; requiring the division
377 to assign a unique identifier on each vacation rental
378 license which identifies each individual vacation
379 rental dwelling or unit; creating s. 509.243, F.S.;
380 requiring advertising platforms to require that
381 persons placing advertisements or listings for
382 vacation rentals include certain information in the
383 advertisements or listings and attest to certain
384 information; requiring advertising platforms to
385 display certain information; requiring, as of a
386 specified date, advertising platforms to verify
387 certain information before publishing an advertisement



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388 or listing on their platforms, prohibit and remove
389 from public view an advertisement or a listing under
390 certain circumstances, and make certain notifications
391 and provide certain information to the division;
392 requiring the division, upon request, to share certain
393 reports and records with the Department of Revenue,
394 local tax authorities, and local governments;
395 providing that such records may be used for auditing
396 and enforcement purposes; requiring advertising
397 platforms to collect and remit specified taxes for
398 certain transactions; authorizing the division to
399 issue and deliver a notice to cease and desist for
400 certain violations; providing that such notice does
401 not constitute agency action for which certain
402 hearings may be sought; authorizing the division to
403 issue cease and desist notices in certain
404 circumstances; providing that issuance of such notice
405 does not constitute an agency action; authorizing the
406 division to file certain proceedings for the purpose
407 of enforcing a cease and desist notice; authorizing
408 the division to collect attorney fees and costs under
409 certain circumstances; authorizing the division to
410 impose a fine on advertising platforms for certain
411 violations; requiring the division to issue written
412 notice of violations to advertising platforms before
413 commencing certain legal proceedings; requiring
414 advertising platforms to adopt an antidiscrimination
415 policy and to inform their users of the policy's
416 provisions; providing construction; creating s.



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417 509.244, F.S.; defining the term "application program
418 interface"; requiring the division, by a specified
419 date, to create and maintain a certain vacation rental
420 information system; specifying requirements for the
421 system; amending s. 509.261, F.S.; authorizing the
422 division to revoke, refuse to issue or renew, or
423 suspend vacation rental licenses under certain
424 circumstances; requiring the division to specify the
425 number of the license number of the vacation rental
426 dwelling or unit which has been revoked, not renewed,
427 or suspended; requiring the division to input such
428 status in the vacation