

Town of Lauderdale-By-The-Sea

Workshop Town Commission

Agenda

Tuesday, May 21, 2024

5:30 PM



Jarvis Hall 4505 N. Ocean Drive
www.Lauderdalebythesea-fl.gov

LAUDERDALE-BY-THE-SEA TOWN COMMISSION

Mayor Edmund Malkoon
Commissioner Richard DeNapoli
Commissioner John A. Graziano
Commissioner Theo Pouloupoulos
Commissioner Randy Strauss

Linda Connors, Town Manager
Susan Trevarthen, Town Attorney
Katrina Adler, Town Clerk

Workshop Town Commission

Tuesday, May 21, 2024, 5:30 PM
Jarvis Hall 4505 N. Ocean Drive

1. **CALL TO ORDER, MAYOR EDMUND MALKOON**

2. **PLEDGE OF ALLEGIANCE TO THE FLAG**

3. **DISCUSSION ITEM**

3.a. Vacation Rental Discussion

4. **ADJOURNMENT**

THE TOWN OF LAUDERDALE-BY-THE-SEA WILL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES NECESSARY TO AFFORD INDIVIDUALS AN EQUAL OPPORTUNITY TO PARTICIPATE IN MEETINGS OF THE TOWN COMMISSION. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATUTE 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING

SHOULD CONTACT THE TOWN CLERK NO LATER THAN TWO (2) DAYS PRIOR TO THE MEETING AT (954) 640-4200 FOR ASSISTANCE.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE TOWN COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSES MAY NEED TO ENSURE THAT A VERBATIM RECORDING OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PROCEDURES FOR PUBLIC COMMENTS:

Public Comments may address issues that are not on this meeting's agenda, but should relate to the business of the Town, and should not contain personal attacks. If your comment requires follow up, the Town Manager will have a staff person respond to your concerns, and will advise us of the outcome.

The Town Clerk will read off the names of those who have signed up to speak. When your name is called, please come to the podium, state your name for the record, and indicate whether you are a Town resident. Do not state your address. You have up to three minutes to make your comments, but there is no requirement to use the entire time. If you wish to address a particular Commissioner or member of Town Administration, please do so by use of their title.

If you wish to approach the Commission dais to hand out a document or for some other reason, please request permission and state your reason for doing so. All documents to be provided to the Commission should be handed to the Town Clerk for distribution.

These procedures have been developed to assure that the Town Commission meeting time is efficiently used, and that meetings are conducted in a polite and respectful manner. More information on the decorum rules for Town Commission meetings is available in Section 2-23 of the Town Code of Ordinances.

INVOCATION:

The Invocation before each Town Commission meeting is a voluntary service of a private citizen, offered to serve the spiritual needs of the members of the Town Commission and solemnize the meeting. It is not intended to be an opportunity to advance or disparage one faith or belief over another. The views expressed in the Invocation have not been previously reviewed by the Town and do not necessarily represent the beliefs of any Town employee or official. No person is required to be present at or participate in the Invocation, and the decision whether to be present or participate in the Invocation will not affect any person's right to actively participate in the official business of the Town or obtain any benefit from the Town. The Town's written Invocation policy is available on its website, and upon written request to the Town Clerk.all static

Sec. 30-327. Vacation rentals and short term rentals.

- (a) *Applicability.* Any regulation of vacation rentals in subsections 30-327(b), (c) and (e)—(q) shall be interpreted to also apply to short term rentals. Subsection 30-327(d) shall not apply to short term rentals.
- (b) *Vacation rentals and short term rentals prohibited unless in compliance with this section.* No person shall rent or lease all or any portion of a single-family or townhouse dwelling or a duplex/two-family dwelling, multifamily dwelling of three or four units, or dwelling unit in a mixed use development with one to four dwelling units in the Town's RS-4, RS-5, RD-10, RM-15, RM-16, RM-25 and RM-50 residential zoning districts or the B-1 or B-1-A business zoning districts as a vacation rental or short term rental as defined in section 30-11 of the Town Code without first: (i) obtaining a business tax receipt from the Town pursuant to chapter 12 of the Code, and (ii) complying with the supplemental regulations contained herein.
- (c) *Compliance with codes.* No person shall allow occupancy or possession of all or any portion of a single-family or townhouse dwelling or duplex/two-family or multifamily dwelling of three or four dwelling units or dwelling unit in a mixed use development with one to four dwelling units, as a vacation rental or short term rental if the dwelling is in violation of any zoning, building, housing, density, life/safety and fire codes or regulations.
- (d) *Duration.* No person shall allow occupancy or possession of all or any portion of a single-family or townhouse dwelling as a vacation rental for fewer than seven consecutive days. This restriction shall not apply to short term rentals.
- (e) *Rental certificate.* Any property owner, who wishes to use his or her property as a vacation rental or short term rental, must first apply for and receive a rental certificate from the Town, and renew the certificate annually for as long as the unit is used as a vacation or short term rental. Each dwelling used as a vacation rental or short term rental requires a separate rental certificate. An annual certificate fee shall be paid for each dwelling certified as a vacation rental or short term rental, in an amount to be determined by resolution of the Town Commission, to cover the costs of administration of the certificate and inspection program. Failure to comply with any of the requirements of this section shall be grounds for revocation or suspension of the certificate, in accordance with the requirements contained herein.
- (f) *Application for a rental certificate.* Each property owner seeking a rental certificate, or renewal of a rental certificate, shall submit an application in a form specified by the Town Manager or designee, along with an application fee in an amount to be determined by resolution of the Town Commission. At a minimum, the application shall include all of the following:
 - 1. The name, address and phone number of the owner(s) of record of the dwelling for which a certificate is sought; and
 - 2. The address of the dwelling to be used as a vacation rental or short term rental; and
 - 3. The name, address and phone number of the designated rental agent; and
 - 4. The owner's sworn acknowledgement that he or she has received a copy of this section, has reviewed it and understands its requirements; and
 - 5. Proof of compliance with F.S. chs. 212 (Florida Tax and Revenue Act) and 509 (Public Lodging Establishments), and Rules 69A-43 (Uniform Fire Safety Standards for Transient Public Lodging Establishments) and 69A-60 (the Florida Fire Prevention Code), Florida Administrative Code, where applicable; and
 - 6. A copy of the Town's inspection report; and
 - 7. A sketch of the dwelling's floor plan and site, including parking areas; and

8. The number and location of designated parking spaces legally available for occupants of the vacation rental or short term rental, excluding public parking spaces; and
 9. An indication of whether pets will be allowed in the dwelling; and
 10. The owner's agreement to use his or her best efforts to assure that the vacation rental or short term rental use of the dwelling will not disrupt the residential character of the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their residences; and
 11. Any other information that this section, or any rules and procedures for implementation of this section, requires the owner to provide to the Town as part of application for or renewal of a rental certificate.
- (g) *Inspections/re-inspections of vacation rentals and short term rentals.*
1. An inspection of the dwelling for compliance with zoning, building, housing, density, life/safety and fire codes or regulations is required prior to issuance of a rental certificate. If violations are found, all violations must be corrected and the dwelling must be re-inspected prior to issuance of the rental certificate as provided herein. A combined inspection can be requested for purposes of the business tax receipt and the rental certificate for the vacation rental or the short term rental.
 2. Dwellings used for vacation rentals or short term rentals must be properly maintained and must be re-inspected annually.
 3. If the inspector(s) has made an appointment with the property owner to complete an inspection, and no adult person was at the dwelling to admit the officer at the scheduled time, the applicant shall be charged a "no show" fee in an amount to be determined by resolution of the Town Commission to cover the expense incurred by the Town.
 4. If the inspector(s) is denied admittance by the property owner, or if the inspector(s) fails in at least three attempts to complete an initial or renewal inspection of the dwelling because there was no adult person present to admit him or her, the inspector(s) shall provide notice of failure of inspection to the property owner by certified mail or other legal service to the address shown on the existing rental certificate, or the application for rental certificate. Within ten days after receipt or refusal of such notice, the property owner shall arrange for the inspector(s)' access to the dwelling for the completion of the required inspection.
- (h) *Code violations.*
1. If an owner of a dwelling used for vacation rentals has been cited and found to be in violation of a zoning, building, housing, density, life/safety or fire code or regulation by the code enforcement special magistrate, the order of the special magistrate shall include payment of an administrative fee for each required inspection or re-inspection of the dwelling in an amount to be determined by resolution of the Town Commission. The required inspection fees shall be included as part of the administrative costs assessed by the Town and shall be included in any liens filed by the Town.
 2. Each day of renting a dwelling for vacation rental use or short term rental without having a rental certificate shall constitute a separate and distinct violation of this section.
- (i) *Rental agent.*
1. The property owner shall designate a rental agent on its rental certificate application or renewal, and provide the agent's name, address and phone number. The property owner may serve as the rental agent. Alternatively, the owner may designate as his or her agent any natural person 18 years of age or older, who is: (i) customarily present at a business location within the Town for the purposes of transacting business, or (ii) actually resides within the Town. In order to be designated a rental agent, a

person must first present the Town with written certification that he or she agrees to perform the duties specified in subsection 2. below.

2. The duties of the rental agent are to:
 - a. Be available at the listed phone number 24 hours a day, seven days a week to handle any problems arising from the vacation rental or short term rental use; and
 - b. Be able and willing to come to the vacation rental or short term rental dwelling within three hours following notification from the Town of issues related to the vacation rental or short term rental; and
 - c. Receive service of any notice of violation of this section; and
 - d. Monitor the vacation rental or short term rental dwelling at least weekly to assure continued compliance with the requirements of this section.
3. Rental agent status may be suspended or revoked by the Town Manager if a rental agent fails to perform any of the above-listed duties, after proper notice and hearing. The Town shall maintain a written record of its contacts with rental agents, including a notation of whether the agent responded within the three hours and how the issue was resolved.
 - a. *Suspension.* The Town Manager may suspend a person's rental agent status for any or all vacation rental and short term rental property in the Town for minor violations for a period of time not to exceed three months, or until certain conditions have been complied with or violations cured.
 - b. *Revocation.* The Town Manager may revoke a person's rental agent status for all vacation rental and short term rental property in the Town for major or repeated violations. After revocation of a property owner's rental certificate, the owner shall not reapply for a rental agent status for any vacation rental or short term rental property in the Town until the basis for the revocation has been resolved and in no event prior to six months following the date of revocation.
4. An owner may change his or her designation of a rental agent temporarily or permanently; however, there shall only be one rental agent for each vacation rental and short term rental at any given time. To change the designated rental agent, the owner shall notify the Town in writing of the name, contact information and certifications required in subsection (i)1. above for the new rental agent and pay the applicable fee, if any, determined by resolution of the Town Commission. Any notice of violation or legal process which has been delivered or served upon the previous rental agent, prior to the Town's receipt of notice of change of the rental agent, shall be deemed effective service.
5. It shall be the sole responsibility of the property owner to appoint a reliable rental agent and to inform the agent of his or her correct mailing address. Failure to do so shall not be a defense to a violation of this section. No property owner shall designate as a rental agent any person who does not expressly comply with the provisions of this section. The property owner or the rental agent shall be deemed to be the "violation" of this section as the term is used in F.S. § 162.06. Service of notice on the rental agent shall be deemed service of notice on the property owner, tenant and violator.
6. A person may serve as a rental agent for one or more vacation rental or short term rental property owners if:
 - a. The agent provides the Town with written authorization from each owner represented; and
 - b. Each authorization must state that the owner has received a copy of, has reviewed and understands this section; and
 - c. Each owner must sign the authorization and acknowledge the requirements of this section.

(j) *Vacation rental and short term rental occupants.*

EXHIBIT 1

1. Occupancy of a dwelling for vacation rental or short term rental use must not exceed two persons per bedroom, plus two persons for each additional 200 square feet of interior living area, with total occupancy not to exceed ten persons.
 2. The occupant(s) of each vacation rental or short term rental dwelling should receive a written copy of this section and the Town's pet, noise, and trash regulations.
 3. The written agreement between the property owner and the occupant(s) should specify all of the following:
 - a. The name of all persons who will be occupying the dwelling; and
 - b. The license tag numbers for all vehicles that the occupant(s) will be parking at the dwelling, with a total number not to exceed the number of legal parking spaces at the dwelling, as designated on the rental certificate; and
 - c. The occupant(s)' agreement to abide by all the requirements of this section, and acknowledgement that his or her rights under the agreement may not be transferred or assigned to anyone else without a new agreement being entered into between the new occupant(s) and the owner; and
 - d. The occupant(s)' acknowledgement and agreement that violation of the agreement or this section may result in immediate termination of the agreement and eviction from the vacation rental or short term rental unit by the owner or resident agent, and potential liability for payment of fines levied by the Town.
 4. Occupants may only park in the spaces designated on the rental certificate sketch, in compliance with chapter 19 of the Code.
 5. Any vessels must be moored at an onsite docking facility or stored in compliance with chapter 19 of this Code. No vessel docked at a vacation rental or short term rental shall be used for live-boards, sleeping or overnight accommodations.
 6. All occupants must evacuate from the vacation rental or short term rental upon posting of any nonresident evacuation order.
 7. For all short term rentals:
 - a. The use of the pool and pool deck or other outdoor facilities shall be limited to 8:00 a.m. to 10:00 p.m.; and
 - b. The use of any machine or device for producing or reproducing any sound between the hours of 10:00 p.m. and 8:00 a.m., shall be allowed only within the fully enclosed short term rental unit and shall not be audible at the property line of the short term rental unit.
- (k) *Vacation rental or short term rental dwelling.*
1. There shall be posted, in the dwelling on or within ten feet of the front door, all of the following information:
 - a. The name, address and phone number of the rental agent; and
 - b. The maximum occupancy of the dwelling; and
 - c. The maximum number of vehicles that can be parked at the dwelling, along with a sketch of the location of the parking spaces; and
 - d. The days of trash pickup, and a notice that trash shall not be left or stored outside the dwelling except after 6:00 p.m. on the day prior to pickup, and the trash containers shall be removed from the curb no later than 6:00 p.m. on the day of pickup; and

- e. The location of the nearest hospital and police station; and
 - f. A legible copy of the rental certificate; and
 - g. A legible copy of this section; and
 - h. A legible copy of the agreement between the owner and the vacation rental or short term rental occupant(s), for the duration of the rental period covered by that agreement.
2. Each vacation rental or short term rental must contain the covered trash container(s) provided by the Town's waste hauler. Placement of trash container(s) for curbside pickup shall be in compliance with Town regulations.
- (l) *Revocation or suspension of rental certificate.* Violation of this section, after proper notice and hearing, is a basis for revocation or suspension of a rental certificate.
- 1. *Suspension.* The Town Manager may suspend the rental certificate for a specific period of time not to exceed six months, or until certain conditions have been complied with or violations cured.
 - 2. *Revocation.* The Town Manager may revoke the rental certificate. After revocation of a property owner's rental certificate, the owner shall not reapply for a rental certificate for any property in the Town until the basis for the revocation has been resolved and in no event prior to six months following the date of revocation.
 - 3. *Penalty.* If the property owner, after such revocation or suspension, thereafter continues to allow vacation rental or short term rental use of the dwelling, each day of continued use shall be a continuing violation subject to a fine up to the maximum permitted by law per day, which fine shall result in a lien upon the vacation rental or short term rental dwelling or other property of the owner as otherwise provided in this Code.
- (m) *No limitation of remedies.* Nothing in this section shall limit the Town from enforcement of its Code, State or Federal law by any other legal remedy available to the Town. Nothing in this section shall be construed to limit or supplant the power of the Inspector(s), Code Enforcement Officer or Code Enforcement Special Magistrate under the Town's ordinances, rules and regulations and the authority granted under State law, to take necessary action, consistent with the law, to protect the public from property which constitutes a public nuisance as defined under State law or the Town's ordinances, codes or regulations or to abate a nuisance by any other lawful means or proceedings.
- (n) *Sale or transfer of dwelling unit used for vacation rental or short term rental use.* Whenever a dwelling used for vacation rental or short term rental use is sold or otherwise changes ownership and the new owner desires to use the dwelling for vacation rental or short term rental use, the new owner must, prior to allowing any such use:
- 1. Schedule and obtain an inspection of the dwelling with the Code Compliance Division; and
 - 2. Apply for a rental certificate for the vacation rental or short term rental use.
- (o) *Rules and procedures.* The Town Manager or designee may create rules and procedures to assist in the implementation of this section, including but not limited to a timeline and procedure for all existing vacation rentals and short term rentals to apply for and obtain their first rental certificate pursuant to this section in a manner consistent with available staff resources.
- (p) *Existing rental uses.*
- (1) Existing vacation rentals are those existing rentals or those subject to valid written agreements executed prior to the effective date of the ordinance [from which this section is derived], which obligate a property owner to rent a dwelling in violation of this section. Existing vacation rental uses shall comply with this section no later than May 26, 2010.

EXHIBIT 1

- (2) Existing short term rentals are those existing rentals or those subject to valid written agreements executed prior to April 25, 2017, which obligate a property owner to rent a dwelling in violation of this section. Existing short term rental uses shall comply with this section no later than September 30, 2017.
- (q) *Appeals.* A revocation or suspension of the rental certificate, or of rental agent status, by the Town Manager may be appealed to the Town Commission, as provided in this subsection.
1. *Applicability.* The owner of a vacation rental or short term rental may file an appeal of a revocation or suspension of a rental certificate for the owner's property. A person may file an appeal of a revocation or suspension of his or her rental agent status.
 2. *Filing of appeal.* The appeal shall be filed within 30 days of receiving notice of the revocation or suspension by certified mail, in a form specified by the Town and accompanied by an application fee in an amount to be determined by resolution of the Town Commission. Failure to file an appeal within 30 days shall constitute a waiver of all rights to appeal the revocation or suspension.
 3. *Notice and scheduling of appeal hearing.* The public hearing on the appeal shall be scheduled for the first available Town Commission meeting following completion of the Town's review and evaluation of the application or such other time as is mutually agreed upon between the applicant and the Town Manager. If the appeal involves a rental certificate, the property owner shall be responsible for providing mailed notice of the hearing to all property owners located within 300 feet of the vacation rental's or short term rental's property line.
 4. *Appeal hearing.* At the public hearing, the Town Commission shall consider the appeal application, the relevant support materials, the Town Manager's recommendations, and public testimony given at the hearing. If, at any time during the public hearing, the Town Commission determines that the appeal is based upon incomplete or inaccurate information or misstatements of fact, it may deny the appeal or refer the application back to the Town Manager for further review and revised recommendations. The Town Commission shall presume the original decision of the Town Manager was correct, and shall only overturn such decision where there has been an error of fact or law. At the close of the public hearing, the Town Commission, by not less than a majority of the quorum present, shall approve a resolution granting, granting with conditions, or denying the appeal.
 5. *Judicial relief.* The applicant, or any aggrieved person who has opposed the appeal at the public hearing, may appeal the decision of the Town Commission by filing a petition for writ of certiorari in the circuit court in and for Broward County, in accordance with the procedures provided by the Florida Rules of Civil Procedure and the Florida Rules of Appellate Procedure.

(Ord. No. 2009-19, § 9, 5-26-09; Ord. No. 2009-30, § 8, 12-1-09; Ord. No. 2014-13, § 2, 10-28-2014; Ord. No. 2014-13, § 2, 10-28-2014; Ord. No. 2017-05, § 3, 4-25-2017)

The 2023 Florida Statutes (including Special Session C)

[Title XXXIII](#)
REGULATION OF TRADE, COMMERCE,
INVESTMENTS, AND SOLICITATIONS

[Chapter 509](#)
LODGING AND FOOD SERVICE
ESTABLISHMENTS; MEMBERSHIP
CAMPGROUNDS

[View Entire
Chapter](#)

509.032 Duties.—

(1) **GENERAL.**—The division shall carry out all of the provisions of this chapter and all other applicable laws and rules relating to the inspection or regulation of public lodging establishments and public food service establishments for the purpose of safeguarding the public health, safety, and welfare. The division shall be responsible for ascertaining that an operator licensed under this chapter does not engage in any misleading advertising or unethical practices.

(2) INSPECTION OF PREMISES.—

(a) The division has jurisdiction and is responsible for all inspections required by this chapter. The division is responsible for quality assurance. The division shall inspect each licensed public lodging establishment at least biannually, except for transient and nontransient apartments, which shall be inspected at least annually. Each establishment licensed by the division shall be inspected at such other times as the division determines is necessary to ensure the public's health, safety, and welfare. The division shall adopt by rule a risk-based inspection frequency for each licensed public food service establishment. The rule must require at least one, but not more than four, routine inspections that must be performed annually, and may include guidelines that consider the inspection and compliance history of a public food service establishment, the type of food and food preparation, and the type of service. The division shall reassess the inspection frequency of all licensed public food service establishments at least annually. Public lodging units classified as vacation rentals or timeshare projects are not subject to this requirement but shall be made available to the division upon request. If, during the inspection of a public lodging establishment classified for renting to transient or nontransient tenants, an inspector identifies vulnerable adults who appear to be victims of neglect, as defined in s. [415.102](#), or, in the case of a building that is not equipped with automatic sprinkler systems, tenants or clients who may be unable to self-preserve in an emergency, the division shall convene meetings with the following agencies as appropriate to the individual situation: the Department of Health, the Department of Elderly Affairs, the area agency on aging, the local fire marshal, the landlord and affected tenants and clients, and other relevant organizations, to develop a plan that improves the prospects for safety of affected residents and, if necessary, identifies alternative living arrangements such as facilities licensed under part II of chapter 400 or under chapter 429.

(b) For purposes of performing required inspections and the enforcement of this chapter, the division has the right of entry and access to public lodging establishments and public food service establishments at any reasonable time.

(c) Public food service establishment inspections shall be conducted to enforce provisions of this part and to educate, inform, and promote cooperation between the division and the establishment.

(d) The division shall adopt and enforce sanitation rules consistent with law to ensure the protection of the public from food-borne illness in those establishments licensed under this chapter. These rules shall provide the standards and requirements for obtaining, storing, preparing, processing, serving, or displaying food in public food service establishments, approving public food service establishment facility plans, conducting necessary public food service establishment inspections for compliance with sanitation regulations, cooperating and coordinating with the

Department of Health in epidemiological investigations, and initiating enforcement actions, and for other such responsibilities deemed necessary by the division. The division may not establish by rule any regulation governing the design, construction, erection, alteration, modification, repair, or demolition of any public lodging or public food service establishment. It is the intent of the Legislature to preempt that function to the Florida Building Commission and the State Fire Marshal through adoption and maintenance of the Florida Building Code and the Florida Fire Prevention Code. The division shall provide technical assistance to the commission in updating the construction standards of the Florida Building Code which govern public lodging and public food service establishments. Further, the division shall enforce the provisions of the Florida Building Code which apply to public lodging and public food service establishments in conducting any inspections authorized by this part. The division, or its agent, shall notify the local firesafety authority or the State Fire Marshal of any readily observable violation of a rule adopted under chapter 633 which relates to public lodging establishments or public food establishments, and the identification of such violation does not require any firesafety inspection certification.

(e)1. Relating to facility plan approvals, the division may establish, by rule, fees for conducting plan reviews and may grant variances from construction standards in hardship cases, which variances may be less restrictive than the provisions specified in this section or the rules adopted under this section. A variance may not be granted pursuant to this section until the division is satisfied that:

- a. The variance shall not adversely affect the health of the public.
- b. No reasonable alternative to the required construction exists.
- c. The hardship was not caused intentionally by the action of the applicant.

2. The division's advisory council shall review applications for variances and recommend agency action. The division shall make arrangements to expedite emergency requests for variances, to ensure that such requests are acted upon within 30 days of receipt.

3. The division shall establish, by rule, a fee for the cost of the variance process. Such fee shall not exceed \$150 for routine variance requests and \$300 for emergency variance requests.

(f) In conducting inspections of establishments licensed under this chapter, the division shall determine if each coin-operated amusement machine that is operated on the premises of a licensed establishment is properly registered with the Department of Revenue. Each month the division shall report to the Department of Revenue the sales tax registration number of the operator of any licensed establishment that has on location a coin-operated amusement machine and that does not have an identifying certificate conspicuously displayed as required by s. 212.05(1)(h).

(g) In inspecting public food service establishments, the department shall notify each inspected establishment of the availability of the food-recovery brochure developed under s. 595.420.

(3) **SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD SERVICE EVENTS.**—The division shall:

- (a) Prescribe sanitary standards which shall be enforced in public food service establishments.
- (b) Inspect public lodging establishments and public food service establishments whenever necessary to respond to an emergency or epidemiological condition.
- (c) Administer a public notification process for temporary food service events and distribute educational materials that address safe food storage, preparation, and service procedures.

1. Sponsors of temporary food service events shall notify the division not less than 3 days before the scheduled event of the type of food service proposed, the time and location of the event, a complete list of food service vendors participating in the event, the number of individual food service facilities each vendor will operate at the event, and the identification number of each food service vendor's current license as a public food service establishment or temporary food service event licensee. Notification may be completed orally, by telephone, in person, or in writing. A public food service establishment or food service vendor may not use this notification process to circumvent the license requirements of this chapter.

2. The division shall keep a record of all notifications received for proposed temporary food service events and shall provide appropriate educational materials to the event sponsors and notify the event sponsors of the availability of the food-recovery brochure developed under s. 595.420.

3.a. Unless excluded under s. 509.013(5)(b), a public food service establishment or other food service vendor must obtain one of the following classes of license from the division: an individual license, for a fee of no more than \$105, for each temporary food service event in which it participates; or an annual license, for a fee of no more than \$1,000, that entitles the licensee to participate in an unlimited number of food service events during the license period. The division shall establish license fees, by rule, and may limit the number of food service facilities a licensee may operate at a particular temporary food service event under a single license.

b. Public food service establishments holding current licenses from the division may operate under the regulations of such a license at temporary food service events.

(4) **STOP-SALE ORDERS.**—The division may stop the sale, and supervise the proper destruction, of any food or food product when the director or the director’s designee determines that such food or food product represents a threat to the public safety or welfare. If the operator of a public food service establishment licensed under this chapter has received official notification from a health authority that a food or food product from that establishment has potentially contributed to any instance or outbreak of food-borne illness, the food or food product must be maintained in safe storage in the establishment until the responsible health authority has examined, sampled, seized, or requested destruction of the food or food product.

(5) **REPORTS REQUIRED.**—The division shall submit annually to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees a report, which shall state, but need not be limited to, the total number of active public lodging and public food service licenses in the state, the total number of inspections of these establishments conducted by the division to ensure the enforcement of sanitary standards, the total number of inspections conducted in response to emergency or epidemiological conditions, the number of violations of each sanitary standard, the total number of inspections conducted to meet the statutorily required number of inspections, and any recommendations for improved inspection procedures. The division shall also keep accurate account of all expenses arising out of the performance of its duties and all fees collected under this chapter. The report shall be submitted by September 30 following the end of the fiscal year.

(6) **RULEMAKING AUTHORITY.**—The division shall adopt such rules as are necessary to carry out the provisions of this chapter.

(7) **PREEMPTION AUTHORITY.**—

(a) The regulation of public lodging establishments and public food service establishments, including, but not limited to, sanitation standards, inspections, training and testing of personnel, and matters related to the nutritional content and marketing of foods offered in such establishments, is preempted to the state. This paragraph does not preempt the authority of a local government or local enforcement district to conduct inspections of public lodging and public food service establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code, pursuant to ss. 553.80 and 633.206.

(b) A local law, ordinance, or regulation may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.

(c) Paragraph (b) does not apply to any local law, ordinance, or regulation exclusively relating to property valuation as a criterion for vacation rental if the local law, ordinance, or regulation is required to be approved by the state land planning agency pursuant to an area of critical state concern designation.

History.—ss. 1, 2, 9, ch. 6952, 1915; RGS 212, 213, 2130; s. 2, ch. 9264, 1923; CGL 245, 246, 3359; ss. 3, 4, ch. 16042, 1933; CGL 1936 Supp. 245, 246; s. 9, ch. 26945, 1951; s. 1, ch. 28129, 1953; ss. 1, 8, ch. 29821, 1955; s. 1, ch. 57-389; s. 1, ch. 63-420; ss. 12, 16, 35, ch. 69-106; s. 2, ch. 73-325; s. 135, ch. 73-333; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 2, 39, 42, ch. 79-240; ss. 1, 3, 4, ch. 81-161; ss. 2, 3, ch. 81-318; ss. 3, 51, 52, ch. 90-339; s. 2, ch. 91-40; s. 4, ch. 91-429; s. 22, ch. 92-180; s. 2, ch. 93-53; s. 35, ch. 93-216; s. 19, ch. 94-314; s. 4, ch. 95-416; s. 137, ch. 95-418; s. 3, ch. 96-384; s. 1165, ch. 97-103; s. 1, ch. 98-275; s. 4, ch. 98-283; s. 246, ch. 99-8; s. 47, ch. 2000-141; s. 47, ch. 2000-154; s. 109, ch. 2000-349; s. 34, ch. 2001-186; s. 3, ch. 2001-372; s. 11, ch. 2002-48; s. 1, ch. 2002-299; s. 96, ch. 2006-197; s. 2, ch. 2008-55; s. 3, ch. 2008-134; s. 2, ch. 2011-119; s. 76, ch. 2012-96; s. 1, ch. 2013-147; s. 146, ch. 2013-183; s. 1, ch. 2014-71; s. 2, ch. 2014-133; s. 48, ch. 2014-150; s. 66, ch. 2015-2; s. 1, ch. 2015-143; s. 2, ch. 2016-86.

Note.—Former ss. 509.03, 509.04, 511.11.

2024280er

1
2 An act relating to vacation rentals; amending s.
3 212.03, F.S.; requiring advertising platforms or
4 operators listing a vacation rental with an
5 advertising platform to collect and remit specified
6 taxes for certain vacation rental transactions;
7 reordering and amending s. 509.013, F.S.; defining the
8 term "advertising platform"; making technical changes;
9 amending s. 509.032, F.S.; adding licensing to the
10 regulated activities of public lodging establishments
11 and public food service establishments which are
12 preempted to the state; providing applicability;
13 revising an exception to the prohibition against
14 certain local regulation of vacation rentals;
15 providing applicability; preempting the regulation of
16 advertising platforms to the state; authorizing the
17 adoption of local laws, ordinances, or regulations
18 that require the registration of vacation rentals;
19 authorizing local governments to adopt vacation rental
20 registration programs and impose fines for failure to
21 register; requiring a local government to prepare a
22 business impact estimate under certain circumstances;
23 authorizing local governments to charge a reasonable
24 fee for processing registration applications;
25 authorizing local laws, ordinances, or regulations to
26 require annual renewal of a registration and to charge
27 a reasonable fee for such renewal; providing that a
28 change in ownership may require a new application for
29 registration; authorizing local governments to charge

2024280er

a reasonable fee to inspect a vacation rental for a specified purpose; specifying requirements and procedures for, and limitations on, local vacation rental registration programs; authorizing local governments to fine vacation rental operators under certain circumstances; specifying procedures related to the imposition of fines; providing applicability relating to certain money judgment provisions; requiring local governments to issue a written notice of violation under certain circumstances; requiring the code enforcement board or special magistrate to make certain recommendations under specified circumstances; authorizing local governments to suspend a vacation rental registration for specified periods of time; prohibiting local governments from suspending a vacation rental registration for violations that are not directly related to the vacation rental premises; requiring local governments to provide notice of registration suspension, within a specified timeframe, to vacation rental operators and the Division of Hotels and Restaurants of the Department of Business and Professional Regulation; providing requirements for such notice; requiring, by a certain date, local governments to use the vacation rental information system to provide such notice to the division; providing that local governments may revoke or refuse to renew a vacation rental registration under certain circumstances; requiring local governments to provide notice of revocation of

2024280er

59 or refusal to renew a vacation rental registration to
60 vacation rental operators and the division within a
61 specified timeframe; requiring, by a certain date,
62 local governments to use the vacation rental
63 information system to provide such notice to the
64 division; providing that vacation rental operators may
65 appeal a denial, suspension, or revocation of, or a
66 refusal to renew, the registration of a vacation
67 rental; providing procedures for such appeal;
68 providing construction; amending s. 509.241, F.S.;
69 authorizing the division to issue temporary licenses
70 upon receipt of vacation rental license applications
71 while such applications are pending; providing for
72 permanency of such licenses upon final agency action;
73 requiring that a license issued by the division be
74 conspicuously displayed to the public inside the
75 licensed establishment; requiring that a vacation
76 rental's registration number, if applicable, be
77 conspicuously displayed inside the vacation rental in
78 a specified location; requiring the division to assign
79 a unique identifier on each vacation rental license
80 which identifies each individual vacation rental
81 dwelling or unit; creating s. 509.243, F.S.; requiring
82 advertising platforms to require that persons placing
83 advertisements or listings for vacation rentals
84 include certain information in the advertisements or
85 listings and attest to certain information; requiring
86 advertising platforms to display certain information;
87 requiring, as of a specified date, advertising

2024280er

platforms to remove from public view an advertisement
or a listing under certain circumstances and provide
certain information to the division; requiring the
division, upon request, to share certain reports and
records with the Department of Revenue, local tax
authorities, and local governments; providing that
such records may be used for auditing and enforcement
purposes; requiring advertising platforms or operators
listing a vacation rental with an advertising platform
to collect and remit specified taxes for certain
transactions; authorizing the division to issue and
deliver a notice to cease and desist for certain
violations; providing that such notice does not
constitute agency action for which certain hearings
may be sought; authorizing the division to issue cease
and desist notices in certain circumstances; providing
that issuance of such notice does not constitute an
agency action; authorizing the division to file
certain proceedings for the purpose of enforcing a
cease and desist notice; authorizing the division to
collect attorney fees and costs under certain
circumstances; authorizing the division to impose a
fine on advertising platforms for certain violations;
requiring the division to issue written notice of
violations to advertising platforms before commencing
certain legal proceedings; requiring advertising
platforms to adopt an antidiscrimination policy and to
inform their users of the policy's provisions;
providing construction; creating s. 509.244, F.S.;

2024280er

defining the term "application program interface";
requiring the division, by a specified date, to create
and maintain a certain vacation rental information
system; specifying requirements for the system;
amending s. 509.261, F.S.; authorizing the division to
revoke, refuse to issue or renew, or suspend vacation
rental licenses under certain circumstances; requiring
the division to specify the number of the license
number of the vacation rental dwelling or unit which
has been revoked, not renewed, or suspended; requiring
the division to input such status in the vacation
rental information system; requiring that the
division's vacation rental license suspension run
concurrently with a local vacation rental registration
suspension; amending ss. 159.27, 212.08, 316.1955,
404.056, 477.0135, 509.221, 553.5041, 559.955, 561.20,
705.17, 705.185, 717.1355, and 877.24, F.S.;
conforming cross-references; providing construction;
authorizing the Department of Revenue to adopt
emergency rules; providing requirements and an
expiration date for the emergency rules; providing for
the expiration of such rulemaking authority; providing
an appropriation; providing effective dates.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Effective January 1, 2025, subsection (2) of
section 212.03, Florida Statutes, is amended to read:

212.03 Transient rentals tax; rate, procedure, enforcement,

2024280er

exemptions.—

(2)(a) The tax provided for in this section is ~~herein shall~~ be in addition to the total amount of the rental, must ~~shall~~ be charged by the lessor or person receiving the rent in and by said rental arrangement to the lessee or person paying the rental, and is ~~shall be~~ due and payable at the time of the receipt of such rental payment by the lessor or person, as defined in this chapter, who receives such ~~said~~ rental or payment. The owner, lessor, or person receiving the rent shall remit the tax to the department at the times and in the manner hereinafter provided for dealers to remit taxes under this chapter. The same duties imposed by this chapter upon dealers in tangible personal property respecting the collection and remission of the tax; the making of returns; the keeping of books, records, and accounts; and the compliance with the rules and regulations of the department in the administration of this chapter ~~shall~~ apply to and are ~~be~~ binding upon all persons who manage or operate hotels, apartment houses, roominghouses, tourist and trailer camps, and the rental of condominium units, and to all persons who collect or receive such rents on behalf of such owner or lessor taxable under this chapter.

(b) If a guest uses a payment system on or through an advertising platform as defined in s. 509.013 to pay for the rental of a vacation rental located in this state, the advertising platform, or the operator, as defined in s. 509.013, listing a vacation rental with an advertising platform, must collect and remit taxes as provided in this paragraph.

1. An advertising platform that owns, operates, or manages a vacation rental or that is related within the meaning of s.

2024280er

267(b), s. 707(b), or s. 1504 of the Internal Revenue Code of 1986, as amended, to a person who owns, operates, or manages the vacation rental shall collect and remit all taxes due under this section and ss. 125.0104, 125.0108, 205.044, 212.0305, and 212.055 which are related to the rental.

2. An advertising platform to which subparagraph 1. does not apply shall collect and remit all taxes due from the owner, operator, or manager under this section and ss. 125.0104, 125.0108, 205.044, 212.0305, and 212.055 which are related to the rental. Of the total amount paid by the lessee or rentee, the amount retained by the advertising platform for reservation or payment services is not taxable under this section or ss. 125.0104, 125.0108, 205.044, 212.0305, and 212.055.

In order to facilitate the remittance of such taxes, the department and counties that have elected to self-administer the taxes imposed under chapter 125 shall allow advertising platforms to register, collect, and remit such taxes.

Section 2. Section 509.013, Florida Statutes, is reordered and amended to read:

509.013 Definitions.—As used in this chapter, except as provided in subsection (14), the term:

(1) "Advertising platform" means a person as defined in s. 1.01(3) which:

(a) Provides an online application, software, a website, or a system through which a vacation rental located in this state is advertised or held out to the public as available to rent for transient occupancy;

(b) Provides or maintains a marketplace for the renting of

2024280er

a vacation rental for transient occupancy; and

(c) Provides a reservation or payment system that facilitates a transaction for the renting of a vacation rental for transient occupancy and for which the person collects or receives, directly or indirectly, a fee in connection with the reservation or payment service provided for the rental transaction.

(3)~~(1)~~ "Division" means the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

(8)~~(2)~~ "Operator" means the owner, licensee, proprietor, lessee, manager, assistant manager, or appointed agent of a public lodging establishment or public food service establishment.

(4)~~(3)~~ "Guest" means any patron, customer, tenant, lodger, boarder, or occupant of a public lodging establishment or public food service establishment.

(10) (a)~~(4) (a)~~ "Public lodging establishment" includes a transient public lodging establishment as defined in subparagraph 2. ~~subparagraph 1.~~ and a nontransient public lodging establishment as defined in subparagraph 1 ~~subparagraph 2.~~

2.1~~.~~ "Transient public lodging establishment" means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

2024280er

233 1.2. "Nontransient public lodging establishment" means any
234 unit, group of units, dwelling, building, or group of buildings
235 within a single complex of buildings which is rented to guests
236 for periods of at least 30 days or 1 calendar month, whichever
237 is less, or which is advertised or held out to the public as a
238 place regularly rented to guests for periods of at least 30 days
239 or 1 calendar month.

240
241 License classifications of public lodging establishments, and
242 the definitions therefor, are as provided ~~set out~~ in s. 509.242.
243 For the purpose of licensure, the term does not include
244 condominium common elements as defined in s. 718.103.

245 (b) The following are excluded from the definitions in
246 paragraph (a):

247 1. Any dormitory or other living or sleeping facility
248 maintained by a public or private school, college, or university
249 for the use of students, faculty, or visitors.

250 2. Any facility certified or licensed and regulated by the
251 Agency for Health Care Administration or the Department of
252 Children and Families or other similar place regulated under s.
253 381.0072.

254 3. Any place renting four rental units or less, unless the
255 rental units are advertised or held out to the public to be
256 places that are regularly rented to transients.

257 4. Any unit or group of units in a condominium,
258 cooperative, or timeshare plan and any individually or
259 collectively owned one-family, two-family, three-family, or
260 four-family dwelling house or dwelling unit that is rented for
261 periods of at least 30 days or 1 calendar month, whichever is

2024280er

less, and that is not advertised or held out to the public as a place regularly rented for periods of less than 1 calendar month, provided that no more than four rental units within a single complex of buildings are available for rent.

5. Any migrant labor camp or residential migrant housing permitted by the Department of Health under ss. 381.008-381.00895.

6. Any establishment inspected by the Department of Health and regulated by chapter 513.

7. A facility operated by a nonprofit which provides ~~Any nonprofit organization that operates a facility providing~~ housing only to patients, patients' families, and patients' caregivers and not to the general public.

8. Any apartment building inspected by the United States Department of Housing and Urban Development or other entity acting on the department's behalf which ~~that~~ is designated primarily as housing for persons at least 62 years of age. The division may require the operator of the apartment building to attest in writing that such building meets the criteria provided in this subparagraph. The division may adopt rules to implement this requirement.

9. Any roominghouse, boardinghouse, or other living or sleeping facility that may not be classified as a hotel, motel, timeshare project, vacation rental, nontransient apartment, bed and breakfast inn, or transient apartment under s. 509.242.

(9) (a) - (5) (a) "Public food service establishment" means any building, vehicle, place, or structure, or any room or division in a building, vehicle, place, or structure where food is prepared, served, or sold for immediate consumption on or in the

2024280er

vicinity of the premises; called for or taken out by customers; or prepared before ~~prior to~~ being delivered to another location for consumption. The term includes a culinary education program, as defined in s. 381.0072(2), which offers, prepares, serves, or sells food to the general public, regardless of whether it is inspected by another state agency for compliance with sanitation standards.

(b) The following are excluded from the definition in paragraph (a):

1. Any place maintained and operated by a public or private school, college, or university:

a. For the use of students and faculty; or

b. Temporarily, to serve such events as fairs, carnivals, food contests, cook-offs, and athletic contests.

2. Any eating place maintained and operated by a church or a religious, nonprofit fraternal, or nonprofit civic organization:

a. For the use of members and associates; or

b. Temporarily, to serve such events as fairs, carnivals, food contests, cook-offs, or athletic contests.

Upon request by the division, a church or a religious, nonprofit fraternal, or nonprofit civic organization claiming an exclusion under this subparagraph must provide the division documentation of its status as a church or a religious, nonprofit fraternal, or nonprofit civic organization.

3. Any eating place maintained and operated by an individual or entity at a food contest, cook-off, or a temporary event lasting from 1 to 3 days which is hosted by a church or a

2024280er

religious, nonprofit fraternal, or nonprofit civic organization.
Upon request by the division, the event host must provide the
division documentation of its status as a church or a religious,
nonprofit fraternal, or nonprofit civic organization.

4. Any eating place located on an airplane, a train, a bus,
or a watercraft that ~~which~~ is a common carrier.

5. Any eating place maintained by a facility certified or
licensed and regulated by the Agency for Health Care
Administration or the Department of Children and Families or
other similar place that is regulated under s. 381.0072.

6. Any place of business issued a permit or inspected by
the Department of Agriculture and Consumer Services under s.
500.12.

7. Any place of business where the food available for
consumption is limited to ice, beverages with or without
garnishment, popcorn, or prepackaged items sold without
additions or preparation.

8. Any theater, if the primary use is as a theater and if
patron service is limited to food items customarily served to
the admittees of theaters.

9. Any vending machine that dispenses any food or beverages
other than potentially hazardous foods, as defined by division
rule.

10. Any vending machine that dispenses potentially
hazardous food and which is located in a facility regulated
under s. 381.0072.

11. Any research and development test kitchen limited to
the use of employees and which is not open to the general
public.

2024280er

(2)~~(6)~~ "Director" means the Director of the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

(11)~~(7)~~ "Single complex of buildings" means all buildings or structures that are owned, managed, controlled, or operated under one business name and are situated on the same tract or plot of land that is not separated by a public street or highway.

(12)~~(8)~~ "Temporary food service event" means any event of 30 days or less in duration where food is prepared, served, or sold to the general public.

(13)~~(9)~~ "Theme park or entertainment complex" means a complex comprised of at least 25 contiguous acres owned and controlled by the same business entity and which contains permanent exhibitions and a variety of recreational activities and has a minimum of 1 million visitors annually.

(14)~~(10)~~ "Third-party provider" means, for purposes of s. 509.049, any provider of an approved food safety training program that provides training or such a training program to a public food service establishment that is not under common ownership or control with the provider.

(16)~~(11)~~ "Transient establishment" means any public lodging establishment that is rented or leased to guests by an operator whose intention is that such guests' occupancy will be temporary.

(17)~~(12)~~ "Transient occupancy" means occupancy when it is the intention of the parties that the occupancy will be temporary. There is a rebuttable presumption that, when the dwelling unit occupied is not the sole residence of the guest,

2024280er

the occupancy is transient.

(15)~~(13)~~ "Transient" means a guest in transient occupancy.

(6)~~(14)~~ "Nontransient establishment" means any public lodging establishment that is rented or leased to guests by an operator whose intention is that the dwelling unit occupied will be the sole residence of the guest.

(7)~~(15)~~ "Nontransient occupancy" means occupancy when it is the intention of the parties that the occupancy will not be temporary. There is a rebuttable presumption that, when the dwelling unit occupied is the sole residence of the guest, the occupancy is nontransient.

(5)~~(16)~~ "Nontransient" means a guest in nontransient occupancy.

Section 3. Paragraph (c) of subsection (3) and subsection (7) of section 509.032, Florida Statutes, are amended, and subsection (8) is added to that section, to read:

509.032 Duties.—

(3) SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD SERVICE EVENTS.—The division shall:

(c) Administer a public notification process for temporary food service events and distribute educational materials that address safe food storage, preparation, and service procedures.

1. Sponsors of temporary food service events shall notify the division not less than 3 days before the scheduled event of the type of food service proposed, the time and location of the event, a complete list of food service vendors participating in the event, the number of individual food service facilities each vendor will operate at the event, and the identification number of each food service vendor's current license as a public food

2024280er

service establishment or temporary food service event licensee. Notification may be completed orally, by telephone, in person, or in writing. A public food service establishment or food service vendor may not use this notification process to circumvent the license requirements of this chapter.

2. The division shall keep a record of all notifications received for proposed temporary food service events and shall provide appropriate educational materials to the event sponsors and notify the event sponsors of the availability of the food-recovery brochure developed under s. 595.420.

3.a. Unless excluded under s. 509.013(9)(b) ~~s. 509.013(5)(b)~~, a public food service establishment or other food service vendor must obtain one of the following classes of license from the division: an individual license, for a fee of no more than \$105, for each temporary food service event in which it participates; or an annual license, for a fee of no more than \$1,000, which ~~that~~ entitles the licensee to participate in an unlimited number of food service events during the license period. The division shall establish license fees, by rule, and may limit the number of food service facilities a licensee may operate at a particular temporary food service event under a single license.

b. Public food service establishments holding current licenses from the division may operate under the regulations of such a license at temporary food service events.

(7) PREEMPTION AUTHORITY.—

(a) The regulation of public lodging establishments and public food service establishments, including, but not limited to, sanitation standards, licensing, inspections, training and

2024280er

testing of personnel, and matters related to the nutritional content and marketing of foods offered in such establishments, is preempted to the state. This paragraph does not preempt the authority of a local government or local enforcement district to conduct inspections of public lodging and public food service establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code, pursuant to ss. 553.80 and 633.206.

(b) A local law, ordinance, or regulation may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. This paragraph and subsection (8) do ~~does~~ not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011, including such a law, ordinance, or regulation that is amended to be less restrictive or to comply with the local registration requirements provided in subsection (8), or when a law, ordinance, or regulation adopted after June 1, 2011, regulates vacation rentals, if such law, ordinance, or regulation is less restrictive than a law, ordinance, or regulation that was in effect on June 1, 2011.

(c) Paragraph (b) and subsection (8) do ~~does~~ not apply to any local law, ordinance, or regulation exclusively relating to property valuation as a criterion for vacation rental if the local law, ordinance, or regulation is required to be approved by the state land planning agency pursuant to an area of critical state concern designation.

(d) Subsection (8) does not apply to any county law, ordinance, or regulation initially adopted on or before January 1, 2016, that established county registration requirements for rental of vacation rentals, and any amendments thereto adopted

2024280er

before January 1, 2024. Such county law, ordinance, or regulation may not be amended or altered except to be less restrictive or to adopt registration requirements as provided in subsection (8).

(e) The regulation of advertising platforms is preempted to the state.

(8) LOCAL REGISTRATION OF VACATION RENTALS; SUSPENSION; REVOCATIONS; FINES.—Notwithstanding paragraph (7)(a), a local law, ordinance, or regulation may require the registration of vacation rentals with a local vacation rental registration program. Local governments may implement a vacation rental registration program pursuant to this subsection and may impose 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, ordinance, or regulation may require annual renewal of a registration and may charge a reasonable renewal fee per unit for processing of a registration renewal. However, if there is a change of ownership, the new owner may be required to submit a new application for registration. Subsequent to the registration of a vacation rental, a local government may charge a reasonable fee to inspect a vacation rental after registration for compliance with the Florida Building Code and the Florida Fire Prevention Code, described in ss. 553.80 and 633.206, respectively.

(b) As a condition of registration or renewal of a vacation

2024280er

rental, a local law, ordinance, or regulation establishing a
local vacation rental registration program may only require the
operator of a vacation rental to do the following:

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

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

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

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

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

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

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

(c) Within 15 business days after receiving an application
for registration of a vacation rental, a local government shall

2024280er

523 review the application for completeness and accept the
524 registration of the vacation rental or issue a written notice of
525 denial.

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

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

533 (d) If a local government denies a registration of a
534 vacation rental, the local government must give written notice
535 to the applicant. Such notice may be provided by United States
536 mail or electronically. The notice must specify with
537 particularity the factual reasons for the denial and include a
538 citation to the applicable portions of the ordinance, rule,
539 statute, or other legal authority for the denial of the
540 registration. A local government may not prohibit an applicant
541 from reapplying if the applicant cures the identified
542 deficiencies.

543 (e)1. Upon acceptance of a vacation rental registration, a
544 local government shall assign a unique registration number to
545 the vacation rental unit and provide the registration number or
546 other indicia of registration to the vacation rental operator in
547 writing or electronically.

548 2. A local government shall, within 5 days after acceptance
549 of a vacation rental registration, provide the registration
550 number to the division.

551 (f)1. A local government may fine a vacation rental

2024280er

operator up to \$500 if he or she:

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

b. Is operating a vacation rental without registering it with the local government as a vacation rental.

2. Before issuing a fine for a violation of subparagraphs (b)1.-6., the local government shall issue written notice of such violation and provide a vacation rental operator 15 days to cure the violation. If the vacation rental operator has not cured the violation within the 15 days, the local government may issue a fine.

(g) A certified copy of an order imposing a fine may be recorded in the public records and thereafter constitutes a lien against the real property on which the violation occurred. Upon petition to the circuit court, such order is enforceable in the same manner as a court judgment by the sheriffs of this state, including execution and levy against the personal property of the violator, but such order may not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this subsection will continue to accrue until the violator comes into compliance or until judgment is rendered in a suit filed pursuant to this section, whichever occurs first. A lien arising from a fine imposed pursuant to this subsection runs in favor of the local government, and the local government shall execute a satisfaction or release of lien upon full payment. If such lien remains unpaid 3 months or more after the filing of the lien, the local government may foreclose on the lien against the real property on which the violation occurred or sue to recover a money judgment for the amount of the lien,

2024280er

plus accrued interest. A lien created pursuant to this part may not be foreclosed on real property that is a homestead under s. 4, Art. X of the State Constitution. The money judgment provisions of this section do not apply to real property or personal property that is covered under s. 4(a), Art. X of the State Constitution.

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

2. If a code violation related to the vacation rental is found to be a material violation of a local law, ordinance, or regulation as described in subparagraph 1., the code enforcement board or special magistrate must make a recommendation to the local government as to whether a vacation rental registration should be suspended.

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

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

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

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

4. If the code enforcement board or special magistrate

2024280er

recommends suspension of a vacation rental registration, a local government may suspend such registration for a period of:

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

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

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

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

6. A local government shall provide notice of the suspension of a vacation rental registration to the vacation rental operator and the division within 5 days after the suspension. The notice must include the start date of the suspension, which must be at least 21 days after the suspension notice is sent to the vacation rental operator and the division. Effective January 1, 2026, a local government shall use the vacation rental information system described in s. 509.244 to provide notice of the suspension of a vacation rental registration to the division.

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

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

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

However, the local government shall allow the vacation rental

2024280er

operator at least 60 days before the revocation of a
registration to satisfy the recorded municipal lien or county
lien; or

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

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

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

This subsection does not prohibit a local government from
establishing a local law, ordinance, or regulation if it is
uniformly applied without regard to whether the residential

2024280er

property is used as a vacation rental.

Section 4. 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 division before ~~prior to~~ the commencement of operation. A condominium association, as defined in s. 718.103, which does not own any units classified as vacation rentals or timeshare projects under s. 509.242(1)(c) or (g) is not required to apply for or receive a public lodging establishment license. Upon receiving an application for a vacation rental license, the division may grant a temporary license that authorizes the vacation rental to begin operation while the application is pending. The temporary license becomes permanent upon final agency action regarding the license application that grants the vacation rental license.

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

2024280er

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

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

509.243 Advertising platforms.—

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

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

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

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

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

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

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

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

2024280er

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

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

2. The vacation rental license number with the associated unique identifier, and, if applicable, the local registration number.

(4) If a guest uses a payment system on or through an advertising platform to pay for the rental of a vacation rental located in this state, the advertising platform, or the operator, as defined in s. 509.013, listing a vacation rental with an advertising platform, must collect and remit all taxes due under ss. 125.0104, 125.0108, 205.044, 212.03, 212.0305, and 212.055 related to the rental as provided in s. 212.03(2)(b).

(5) If the division has probable cause to believe that a person not licensed by the division has violated this chapter or any rule adopted pursuant thereto, the division may issue and deliver to such person a notice to cease and desist from the violation. The issuance of a notice to cease and desist does not constitute agency action for which a hearing under s. 120.569 or s. 120.57 may be sought. For the purpose of enforcing a cease and desist notice, the division may file a proceeding in the name of the state seeking the issuance of an injunction or a writ of mandamus against any person who violates any provision of the notice. If the division is required to seek enforcement of the notice for a penalty pursuant to s. 120.69, it is

2024280er

entitled to collect attorney fees and costs, together with any
cost of collection.

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

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

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

Section 6. Section 509.244, Florida Statutes, is created to
read:

509.244 Vacation rental information system.—

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

2024280er

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

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

(b) Allow advertising platforms to search by vacation rental license number with the associated unique identifier, applicable local registration number, and a listing status field that indicates whether the premises is compliant with applicable license and registration requirements to allow a platform to determine whether it may advertise the vacation rental.

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

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

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

Section 7. Subsection (11) is added to section 509.261, Florida Statutes, to read:

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

2024280er

(11) (a) The division may revoke, refuse to issue or renew,
or suspend for a period of not more than 30 days or the period
of suspension as provided in s. 509.032(8) a license of a
vacation rental for any of the following reasons:

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

2. Local registration of the vacation rental is suspended
or revoked by a local government as provided in s. 509.032(8).

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

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

(c) If the division suspends a license for the reason
specified in subparagraph (a)2., the suspension must run
concurrently with the local registration suspension.

Section 8. Subsection (12) of section 159.27, Florida
Statutes, is amended to read:

159.27 Definitions.—The following words and terms, unless
the context clearly indicates a different meaning, shall have
the following meanings:

2024280er

(12) "Public lodging or restaurant facility" means property used for any public lodging establishment as defined in s. 509.242 or public food service establishment as defined in s. 509.013 ~~s. 509.013(5)~~ if it is part of the complex of, or necessary to, another facility qualifying under this part.

Section 9. Paragraph (jj) of subsection (7) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and

2024280er

shall pay the tax. The department may adopt rules to administer this subsection.

(jj) *Complimentary meals.*—Also exempt from the tax imposed by this chapter are food or drinks that are furnished as part of a packaged room rate by any person offering for rent or lease any transient public lodging establishments ~~living accommodations~~ as described in s. 509.013(10)(a) ~~s. 509.013(4)(a)~~ which are licensed under part I of chapter 509 and which are subject to the tax under s. 212.03, if a separate charge or specific amount for the food or drinks is not shown. Such food or drinks are considered to be sold at retail as part of the total charge for the transient living accommodations. Moreover, the person offering the accommodations is not considered to be the consumer of items purchased in furnishing such food or drinks and may purchase those items under conditions of a sale for resale.

Section 10. Paragraph (b) of subsection (4) of section 316.1955, Florida Statutes, is amended to read:

316.1955 Enforcement of parking requirements for persons who have disabilities.—

(4)

(b) Notwithstanding paragraph (a), a theme park or an entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~ which provides parking in designated areas for persons who have disabilities may allow any vehicle that is transporting a person who has a disability to remain parked in a space reserved for persons who have disabilities throughout the period the theme park is open to the public for that day.

Section 11. Subsection (5) of section 404.056, Florida

2024280er

Statutes, is amended to read:

404.056 Environmental radiation standards and projects; certification of persons performing measurement or mitigation services; mandatory testing; notification on real estate documents; rules.—

(5) NOTIFICATION ON REAL ESTATE DOCUMENTS.—Notification shall be provided on at least one document, form, or application executed at the time of, or before ~~prior to~~, contract for sale and purchase of any building or execution of a rental agreement for any building. Such notification must ~~shall~~ contain the following language:

"RADON GAS: Radon is a naturally occurring radioactive gas that, when it has accumulated in a building in sufficient quantities, may present health risks to persons who are exposed to it over time. Levels of radon that exceed federal and state guidelines have been found in buildings in Florida. Additional information regarding radon and radon testing may be obtained from your county health department."

The requirements of this subsection do not apply to any residential transient occupancy, as described in s. 509.013 ~~s. 509.013(12)~~, provided that such occupancy is 45 days or less in duration.

Section 12. Subsection (6) of section 477.0135, Florida Statutes, is amended to read:

477.0135 Exemptions.—

(6) A license is not required of any individual providing makeup or special effects services in a theme park or

2024280er

entertainment complex to an actor, stunt person, musician, extra, or other talent, or providing makeup or special effects services to the general public. The term "theme park or entertainment complex" has the same meaning as in s. 509.013 ~~s. 509.013(9)~~.

Section 13. Paragraph (b) of subsection (2) of section 509.221, Florida Statutes, is amended to read:

509.221 Sanitary regulations.—

(2)

(b) Within a theme park or entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~, the bathrooms are not required to be in the same building as the public food service establishment, so long as they are reasonably accessible.

Section 14. Paragraph (b) of subsection (5) of section 553.5041, Florida Statutes, is amended to read:

553.5041 Parking spaces for persons who have disabilities.—

(5) Accessible perpendicular and diagonal accessible parking spaces and loading zones must be designed and located to conform to ss. 502 and 503 of the standards.

(b) If there are multiple entrances or multiple retail stores, the parking spaces must be dispersed to provide parking at the nearest accessible entrance. If a theme park or an entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~ provides parking in several lots or areas from which access to the theme park or entertainment complex is provided, a single lot or area may be designated for parking by persons who have disabilities, if the lot or area is located on the shortest accessible route to an accessible entrance to the theme park or entertainment complex or to transportation to such an accessible

2024280er

entrance.

Section 15. Paragraph (b) of subsection (5) of section 559.955, Florida Statutes, is amended to read:

559.955 Home-based businesses; local government restrictions.—

(5) The application of this section does not supersede:

(b) Local laws, ordinances, or regulations related to transient public lodging establishments, as defined in s. 509.013(10)(a)2. which ~~s. 509.013(4)(a)1.~~, that are not otherwise preempted under chapter 509.

Section 16. Paragraph (d) of subsection (7) of section 561.20, Florida Statutes, is amended to read:

561.20 Limitation upon number of licenses issued.—

(7)

(d) Any corporation, partnership, or individual operating a club which owns or leases and which maintains any bona fide beach or cabana club consisting of beach facilities, swimming pool, locker rooms or bathroom facilities for at least 100 persons, and a public food service establishment as defined in s. 509.013 ~~s. 509.013(5)(a)~~, comprising in all an area of at least 5,000 square feet located on a contiguous tract of land of in excess of 1 acre may be issued a license under s. 565.02(4). The failure of such club to maintain the facilities shall be a ground for revocation of the license.

Section 17. Subsection (2) of section 705.17, Florida Statutes, is amended to read:

705.17 Exceptions.—

(2) Sections 705.1015-705.106 do not apply to any personal property lost or abandoned on premises located within a theme

2024280er

987 park or entertainment complex, as defined in s. 509.013 ~~s.~~
988 ~~509.013(9)~~, or operated as a zoo, a museum, or an aquarium, or
989 on the premises of a public food service establishment or a
990 public lodging establishment licensed under part I of chapter
991 509, if the owner or operator of such premises elects to comply
992 with s. 705.185.

993 Section 18. Section 705.185, Florida Statutes, is amended
994 to read:

995 705.185 Disposal of personal property lost or abandoned on
996 the premises of certain facilities.—When any lost or abandoned
997 personal property is found on premises located within a theme
998 park or entertainment complex, as defined in s. 509.013 ~~s.~~
999 ~~509.013(9)~~, or operated as a zoo, a museum, or an aquarium, or
1000 on the premises of a public food service establishment or a
1001 public lodging establishment licensed under part I of chapter
1002 509, if the owner or operator of such premises elects to comply
1003 with this section, any lost or abandoned property must be
1004 delivered to such owner or operator, who must take charge of the
1005 property and make a record of the date such property was found.
1006 If the property is not claimed by its owner within 30 days after
1007 it is found, or a longer period of time as may be deemed
1008 appropriate by the owner or operator of the premises, the owner
1009 or operator of the premises may not sell and must dispose of the
1010 property or donate it to a charitable institution that is exempt
1011 from federal income tax under s. 501(c)(3) of the Internal
1012 Revenue Code for sale or other disposal as the charitable
1013 institution deems appropriate. The rightful owner of the
1014 property may reclaim the property from the owner or operator of
1015 the premises at any time before the disposal or donation of the

2024280er

property in accordance with this section and the established policies and procedures of the owner or operator of the premises. A charitable institution that accepts an electronic device, as defined in s. 815.03(9), access to which is not secured by a password or other personal identification technology, shall make a reasonable effort to delete all personal data from the electronic device before its sale or disposal.

Section 19. Section 717.1355, Florida Statutes, is amended to read:

717.1355 Theme park and entertainment complex tickets.—This chapter does not apply to any tickets for admission to a theme park or entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~, or to any tickets to a permanent exhibition or recreational activity within such theme park or entertainment complex.

Section 20. Subsection (8) of section 877.24, Florida Statutes, is amended to read:

877.24 Nonapplication of s. 877.22.—Section 877.22 does not apply to a minor who is:

(8) Attending an organized event held at and sponsored by a theme park or entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~.

Section 21. The application of this act does not supersede any current or future declaration or declaration of condominium adopted pursuant to chapter 718, Florida Statutes; any cooperative document adopted pursuant to chapter 719, Florida Statutes; or any declaration or declaration of covenant adopted pursuant to chapter 720, Florida Statutes.

2024280er

Section 22. (1) The Department of Revenue is authorized, and all conditions are deemed to be met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of implementing the amendments made by this act to s. 212.03, Florida Statutes, including establishing procedures to facilitate the remittance of taxes.

(2) Notwithstanding any other law, emergency rules adopted pursuant to subsection (1) are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

(3) This section expires January 1, 2026.

Section 23. For the 2024-2025 fiscal year, the sums of \$327,170 in recurring funds and \$53,645 in nonrecurring funds from the Hotel and Restaurant Trust Fund, \$645,202 in recurring funds from the Administrative Trust Fund, and \$3,295,884 in nonrecurring funds from the General Revenue Fund are appropriated to the Department of Business and Professional Regulation, and nine full-time equivalent positions with a total associated salary rate of 513,417 are authorized, for the purposes of implementing this act.

Section 24. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2024.

LAUDERDALE•BY•THE•SEA

Vacation Rental Application Package

Table of Contents

Vacation Rental Application Checklist:

- Pages: 2-3

Rental BTR Application:

- Pages: 4-5

Vacation Rental Application:

- Page: 6-8

Code Inspection Checklist

- Pages: 9

Code Primer

- Pages: 10-12

Ordinance 30-327

- Pages: 13-18

Rental Agent Change

- Page: 19



4501 N. Ocean Drive, Lauderdale-The-Sea, FL 33308

(964) 640-4210

BTR@lbts-fl.gov

M-F 8:30 AM-4:30 PM

LAUDERDALE•BY•THE•SEA

Vacation or Short-Term Term Rental

Application Checklist: Business Tax Receipt

Congratulations on taking steps forward to opening your rental business in our unique Town. Lauderdale-By-The-Sea wishes you good fortune and aims to help you succeed in your business endeavors. Below, please find the checklist of items you will need in order to submit your Vacation Rental or Short-Term Rental application for review.

You Will Need:

- ☐ Application for a Business Tax Receipt (BTR), notarized and signed by property Owner
- ☐ Application(s) for Vacation or Short-Term Rental Certificate(s) (a separate application is required for each dwelling unit), completed and signed by Owner
- ☐ Proof of Zoning Eligibility for Vacation Rental or Short-Term Rental (to request this, email Zoning@lbts-fl.gov)
- ☐ Application Fee (will be determined upon staff review of your application)
 - Vacation Rental—Single-Family Dwellings, Townhomes, and Split-Lot Duplexes:
 - Certificate Fee: \$675.00
 - Fire Inspection Fee: \$75.00
 - BTR: \$6.00
 - Short-Term Rental—Duplex, Triplex or Quadplex Buildings:
 - First Unit: \$675.00
 - Fire Inspection: \$75.00
 - BTR for Each Rental: \$6.00
 - Each Additional Unit: \$300.00
 - Each Additional Unit: \$225.00
 - Fire Inspection: \$75.00
- ☐ Photocopy of Florida Department of Revenue Sales Tax Certificate **OR** Affidavit regarding EXCLUSIVE use of AirBNB for advertising
- ☐ Photocopy of owner's Driver's License with Current Address or other state identification
- ☐ Photocopy of Fictitious Name Registration and/or Articles of Incorporation (if applicable)
- ☐ Sketch of the house floor plan and site (this is used to calculate the maximum occupancy). Sketch must include parking areas, with each of the individual off-street parking spaces clearly marked
- ☐ Current photographs of the house:
 - Front
 - Rear
- ☐ Photocopy of proof of an active Waste-Pro Account

Other Useful Information

- On the Rental Certificate Application, the owner **MUST** designate a 24-Hour Rental Agent according to LBTS Code Ordinance 30-327(i). **The application will not be processed without this information.**
- Verify the property has an active solid waste service account under the current owner's name, through Waste-Pro. You may call Waste Pro at 954-282-6800. If there is no active account in the current owner's name, the processing of the application may be delayed until one is established.
- Site Inspections—After all the items on the above checklist are submitted and reviewed for compliance, staff will determine which site inspections are required, and will contact the 24-Hour Rental Agent for scheduling.
 - For information on requirements to pass the Code Inspection, please review the "Vacation and Short-Term Rental Inspection Checklist."
 - For information on requirements to pass the Fire Inspection, you may contact the Fire Marshal, Steve Paine, at 954-640-4251.
 - For information on requirements to pass the Building Inspection, you may contact the Building Official at 954-640-4223.
- Zoning Review—The Town's Planning & Zoning Department will conduct periodic reviews of the property throughout the application process.
 - For information on the Zoning review process, you may email the Business Tax Receipt Staff at BTR@lbts-fl.gov.
- The legal owner of the property must personally complete and sign the notarized BTR application. If you have questions on this, please call 965-640-4210 or email BTR@lbts-fl.gov.
- After all applications and accompanying fees and documents have been received, and all required inspections and reviews have been completed and passed without deficiency or violation, the certificate(s) and Business Tax Receipt may be issued. Until that time the property may not be rented or advertised for rent, according to Sections 12-2, 12-14 and 30-327 of the Town Ordinances.

Need help? Not sure about something?

Please contact us at (954) 640-4120 or BTR@lbts-fl.gov. We are happy to help!



4501 N. Ocean Drive, Lauderdale-The-Sea, FL 33308

(954) 640-4210

BTR@lbts-fl.gov

M-F 8:30 AM-4:30 PM

5/29/2020

LAUDERDALE•BY•THE•SEA

LOCAL BUSINESS TAX RECEIPT APPLICATION ALL RENTAL PROPERTIES

Date: _____ Type of Rentals Offered (minimum stay): _____

.....

A) SITE INFORMATION

Rental Property Address: _____

Number of dwelling units at this site: _____ Number of dwelling units to be rented: _____

Waste Pro Account #: _____ (if you do not have one, contact Waste Pro at 954-282-6800 to set up an account. If you do not have an active account, the processing of your application may be delayed until one is established.)

B) OWNER INFORMATION

Owner's Name: _____

Owner's Permanent Mailing Address (no P.O. Box): _____

City & State: _____ ZIP: _____

Owner's Best Phone: _____ Owner's Alt Phone: _____

Owner's E-Mail: _____

Federal Identification # OR Social Security # (required by Town Ordinance): _____

PLEASE NOTE

If you are **ALSO** applying for a short-term or vacation rental certificate for this property, you may skip Sections C) and D) of this application and move directly to section E).

C) RESIDENT AGENT INFORMATION

Resident Agent's Name (must be a specific person, not a business): _____

Resident Agent's Mailing Address (no P. O. Box): _____

City & State: _____ ZIP: _____

Resident Agent's Best Phone: _____ Alternate Phone: _____

Resident Agent's E-Mail: _____

D) ADVERTISING INFORMATION

Please list ALL web ads for this specific dwelling unit.

EXAMPLE: www.lauderdalebythesea.com/houses/1234567

AirBNB: _____

Homeaway: _____

VRBO: _____

Flipkey: _____

Other: _____

Other: _____

Other: _____

E) OWNER'S AFFIDAVIT:

I HEREBY DECLARE that all information provided in this application is true and correct and, further, understand that providing false or misleading information on this application may result in being denied, or the loss thereof, of any license or permit issued by the Town of Lauderdale-By-The-Sea which was based upon information provided in this application.

Property Owner's Signature: _____

Printed Name: _____

STATE OF FLORIDA)

) SS:

COUNTY OF BROWARD)

SWORN TO and subscribed before me by means of _____ physical presence or _____ online notarization, this _____ day of, 202_____



NOTARY PUBLIC, State of Florida

Personally known _____ or produced identification _____

Type of identification produced: _____

4501 N. Ocean Drive, Lauderdale-The-Sea, FL 33308

(954) 640-4210

BTR@lbts-fl.gov

M-F 8:30 AM-4:30 PM

LAUDERDALE•BY•THE•SEA

Vacation Rental Application

Required for rentals of less than 90 days, in a Single-Family home, Townhome, or split-lot duplex. These properties are limited to a minimum stay of 7 nights.

PLEASE COMPLETE A SEPARATE FORM FOR EACH DWELLING UNIT

New () Renewal () Transfer ()

Date: _____

.....

A) SITE INFORMATION

Rental Property Address: _____ Unit #: _____

Number of bedrooms in the dwelling unit: _____

Will pets be allowed in this unit? ☐ YES ☐ NO

If yes, how many allowed: _____ Type of pet(s) allowed: _____

Waste Pro Account #: _____ (if you do not have one, contact Waste Pro at 954-282-6800 to set up an account. If you do not have an active account, the processing of your application may be delayed until one is established.)

B) OWNER INFORMATION

Owner's Name: _____

Owner's Permanent Mailing Address (no P.O. Box): _____

City & State: _____ ZIP: _____

Owner's Best Phone: _____ Owner's Alt Phone: _____

Owner's E-Mail: _____

C) 24-HOUR AGENT INFORMATION – MUST BE LOCAL

Only one Agent allowed. Must respond to site within 3 hours of notification by Town. Must be at least 18 years of age.

Agent's Name (must be a specific person, not a business): _____

Agent's Mailing Address (no P. O. Box): _____

City & State: _____ ZIP: _____

Agent's 24-Hour Cell Phone Number (ONE number; must be answered 24/7): _____

Agent's E-Mail: _____

5/29/2020

D) ADVERTISING INFORMATION

Please list ALL web ads for this specific dwelling unit.

EXAMPLE: www.lauderdalebythesea.com/houses/1234567

AirBNB: _____

Homeaway: _____

VRBO: _____

Flipkey: _____

Other: _____

Other: _____

Other: _____

Please make sure you review the application checklist. The application process will be delayed if you are missing any pertinent information.

E) AGREEMENTS AND AFFIDAVIT

PROPERTY OWNER'S AGREEMENT:

BY signing this AGREEMENT, the Property Owner agrees to use his or her best efforts to assure that the short term rental use of the dwelling unit will not disrupt the residential character of the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their residences. Furthermore, the Property Owner acknowledges that they were provided a copy of Town Code Section 30-327. - Vacation rentals and short-term rentals.

Property Owner's Signature: _____

Printed Name: _____

24-HOUR AGENT'S AGREEMENT:

If agent is different from property owner

BY signing this AGREEMENT, the Local Agent agrees to use his or her best efforts to assure that the short term rental use of the dwelling unit will not disrupt the residential character of the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their residences. Additionally, the Local Agent certifies that he or she agrees to perform the duties specified in Section 30-327(i)(2) of the Town Code. Furthermore, the Local Agent acknowledges that they were provided a copy of Town Code Section 30-327. - Vacation rentals and short-term rentals.

24-Hour Agent's Signature: _____

Printed Name: _____

5/29/2020

OWNER'S AFFIDAVIT:

I HEREBY DECLARE that all information provided in this application is true and correct and, further, understand that providing false or misleading information on this application may result in being denied, or the loss thereof, of any license or permit issued by the Town of Lauderdale-By-The-Sea which was based upon information provided in this application.

Property Owner's Signature: _____

Printed Name: _____

STATE OF FLORIDA)

) SS:

COUNTY OF BROWARD)

SWORN TO and subscribed before me by means of _____ physical presence
or _____ online notarization, this _____ day of, 202 _____

NOTARY PUBLIC, State of Florida

Personally known _____ or produced identification _____

Type of identification produced: _____



4501 N. Ocean Drive, Lauderdale-The-Sea, FL 33308

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General Code Inspection Guide All Rental Properties

Outside

- ☐ Driveway and walkways in good condition
- ☐ Trash containers kept out of sight
- ☐ Roof clean and free of damage
- ☐ House painted one continuous color—no chips or peeling
- ☐ Exterior walls, fences, gates & foundations free of damage
- ☐ Windows, doors, shutters and frames free of damage
- ☐ Electric lights, switches and outlets working;
- ☐ Boxes covered and utility lines not hanging
- ☐ Landscape maintained, trimmed and green
- ☐ Pool clean, with clear blue water
- ☐ No junk, trash, or outside storage
- ☐ No work without permit. For example: a Chickee or Tiki Hut, a storage shed, or new fencing without a permit

Inside

- ☐ Windows free of damage, easily open & shut, locks in good condition
- ☐ Doors, handles, sliders, hinges, frames and locks in good condition
- ☐ Plumbing (hot & cold) and drains working well; no overflow, leaks, etc.
- ☐ Electric accessories (lighting, outlets, switches) working and safe
- ☐ Room layouts are unaltered, without lockouts or other creative reconfigurations that might create extra rooms or extra units
- ☐ No Illegal conversions or work without permit. For example: a garage converted to living space, an extra kitchenette, a half-bath converted to a full bath, or a screen patio enclosed into a living space



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Town of Lauderdale-By-The-Sea Primer on Rental Regulations and Ordinance History

Lauderdale-By-The-Sea's rental regulations regarding single family homes were enacted in May 2009. These original "Vacation Rental" ordinances restricted the duration of rental (number of rented days) to seven.

In June 2011, the State began to limit municipalities' abilities to pass restrictions on certain matters, including the duration of the rental stay. However, local ordinances enacted before June 1, 2011, were allowed to remain in full force.

When Lauderdale-By-The-Sea added regulations for multifamily (2, 3, and 4 unit) properties in April 2017, those new regulations were written in the light of the new State limitations. Thus, the part of Section 30-327 that applies to multi-unit properties is different from the part that applies to single-family sites. For example, multifamily properties only must be registered as short-term when they are offering rentals of 30 days or less, not 90 or less; they are also allowed to rent for periods of less than 7 consecutive days.

In order to differentiate between the two proprietary classes of short-term rentals and their different regulations, the Town Code defines them as follows.

Vacation rental. *The lease or rental, or offering for lease or rental, of a single-family or townhouse dwelling, to a person or entity that has no ownership interest in the dwelling, for compensation or remuneration and for no fewer than seven consecutive days. Vacation rental shall not include:*

- a. Rentals of at least three consecutive months; and*
- b. Hotels, motels, or similar transient uses.*

Short term rental. *Any individually or collectively owned dwelling unit or group of dwelling units that is rented to guests more than three times in a calendar year for periods of less than 30 days or one calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests, but that is not a timeshare project, where such unit or units are in:*

- a. A duplex/two-family dwelling;*
- b. A multifamily dwelling of three or four dwelling units; or*
- c. A mixed use development with one to four dwelling units.*

The above definitions do not include every kind of property in Lauderdale-By-The-Sea. For example, condominium units are not mentioned in the definitions of Short-Term and Vacation Rentals because the Town does not regulate short term rental of condominium units (the same as with multifamily dwellings of more than four units). On the other hand, certain other

5/29/2020

properties are entirely prohibited from use as short term rentals. Code Section 30-242, enacted in 2000, prevents Vacation or Short-Term rental of any property that meets all of the following criteria:

- Situated in the RM-25 zoning district
- Located both south of Pine Avenue AND west of Bougainvillea Drive
- Width of property frontage measured 60 feet or less as of September 2000

Another slightly unusual type of site is the “split-lot” duplex. These are duplex properties that were unlawfully subdivided into two separate parcels either before or after a structure was built on that lot. For Zoning purposes, split-lot duplexes in Lauderdale-By-The-Sea are subject to the same regulations as single-family properties and townhomes; rather than being classified as “Short Term Rental” like a standard duplex, they are classified as “Vacation Rentals” and are subject to the pre-2001 regulations including the 7-day limit.

Below is a table illustrating the various property types and their rental regulations.

	Rental Regs	Licensing Requirements	Minimum Stay	Long-Term After
Single-Family Home	Vacation	- General BTR for rental - Vacation Rental Certificate	7 days	90 days
Condominium	General	General BTR for rental	N/A	N/A
Townhome	Vacation	- General BTR for rental - Vacation Rental Certificate	7 days	90 days
Duplex, split-lot	Vacation	- General BTR for rental - Vacation Rental Certificate	7 days	90 days
Duplex	Short-Term	- General BTR for rental - Short-Term Rental Certificate	N/A	30 days
Triplex	Short-Term	- General BTR for rental - Short-Term Rental Certificate	N/A	30 days
Fourplex	Short-Term	- General BTR for rental - Short-Term Rental Certificate	N/A	30 days
Multifamily, 5+	General	General BTR for rental	N/A	N/A

As you can see in the table, all residential rental properties in Lauderdale-By-The-Sea are required to obtain a general Business Tax Receipt (BTR) for rental regardless of whether they are required to obtain an additional rental certificate. The general regulations for residential rentals are in Section 12-2(e). The requirement for an additional rental certificate is based on the length of stay either advertised (see Section 12-14 regarding advertisement) or allowed. For example, if a Townhome were to be rented or be offered for rent for periods of exclusively more than 90 days, it would not need to obtain a Vacation Rental Certificate; it would only need to have a general BTR for residential property rental. If they rent for a period of less than 90

5/29/2020

consecutive days—even once—or advertise availability for rentals of less than 90 days duration, a Vacation Rental Certificate would be immediately required.

Vacation and Short-Term Rentals are an extremely important subject within the Town due to the large impact a rental has on the surrounding neighborhoods. The Town works diligently to safeguard our communities and ensure that rental violations do not recur. Due to the high priority placed on Vacation and Short-Term rentals in Lauderdale-By-The-Sea, it is standard procedure to issue a Notice of Violation immediately upon observation of a violation of that code. The following page contains a copy of the Town's "See Something? Say Something!" flyer, which was created to educate residents and provide them the tools to help maintain their immediate communities.



See Something? Say Something!

Reporting Code Violations
for Vacation & Short-Term Rentals is **EASY!**



Just Make the Call

7 AM to 3 PM Mon - Sat
Code Compliance Office
954-640-4210
code@lbts-fl.gov



AFTER 3 PM (any day)
& all day Sundays
Broward Sheriff's Office
954-764-4357

Do I Have To Call?

The Town of Lauderdale-By-The-Sea depends on our residents for keen observations and swift communication. If we don't hear from you at the moment something is happening, we may be unable to obtain time-sensitive evidence and enforce the ordinances.

What Happens After I Call?

Your report triggers a set of procedures that is crafted to ensure the issue is investigated thoroughly and quickly as possible. For example, the Rental Agent is required to respond to the property within 3 hours of notification from the Town or else face an additional violation. All verified violations are taken directly through the enforcement process. This process often includes fines and/or costs for hearings.

Is it Anonymous?

Public records laws in Florida are very broad and we cannot guarantee anonymity. However, your report is as confidential as you make it (by, for example, blocking your number and abstaining from revealing any identifying information during your phone call).

Let's continue to rely on each other as partners to keep our communities safe and peaceful.

Town Regulations & Common Violations

Vacation Rentals (Single-Family Homes)

- Cannot **rent** for a period of less than 7 consecutive days
(people may stay for less than 7 days)

Short Term Rentals (2, 3, and 4-unit 'multifamily' properties)

- The use of the pool, deck, & outdoor facilities is limited from 8:00 a.m. to 10:00 p.m.
- Between 10:00 p.m. and 8:00 a.m., any TVs, radios, etc. may only be used inside & may not be heard outside, from the property line.

For ALL transient lodging (single-family, & 2/3/4-units)

- Occupancy Limit: 2 persons per bedroom, plus 2 persons for each additional 200 sq. ft. of living area; **maximum of 10 persons** at any time, including guests.
- Occupants and their guests may only park in the **spaces designated on the rental certificate sketch**. No parking on the street or grass!
- **Placement of trash container(s)** for curbside pickup must be in compliance with Town regulations.
- Must comply with limit on any **continuous source of sound**:
7:00 a.m. to 10 p.m. – 60 dBA or 65 dBC
10:00 p.m. to 7:00 a.m. – 55 dBA or 65 dBC
- Must appoint a **24-hour Rental Agent**, who is required to come to the dwelling within 3 hours of Town notification.

All of the above are fully listed in Chapter 30 – Unified Land Development Regulations of the Code of the Town of Lauderdale-By-The-Sea

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Short-Term and Vacation Rental Regulations Town of Lauderdale-By-The-Sea

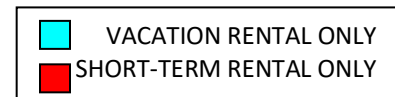
DEFINITIONS

Short term rental. Any individually or collectively owned dwelling unit or group of dwelling units that is rented to guests more than three times in a calendar year for periods of less than 30 days or one calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests, but that is not a timeshare project, where such unit or units are in:

- a. A duplex/two-family dwelling;
- b. A multifamily dwelling of three or four dwelling units; or
- c. A mixed use development with one to four dwelling units.

Vacation rental. The lease or rental, or offering for lease or rental, of a single-family or townhouse dwelling, to a person or entity that has no ownership interest in the dwelling, for compensation or remuneration and for no fewer than seven consecutive days. Vacation rental shall not include:

- a. Rentals of at least three consecutive months; and
- b. Hotels, motels, or similar transient uses.



ORDINANCE

Sec. 30-327. - Vacation rentals and short term rentals.

- (a) *Applicability.* Any regulation of vacation rentals in subsections 30-327(b), (c) and (e)—(q) shall be interpreted to also apply to short term rentals. Subsection 30-327(d) shall not apply to short term rentals.
- (b) *Vacation rentals and short term rentals prohibited unless in compliance with this section.* No person shall rent or lease all or any portion of a single-family or townhouse dwelling or a duplex/two-family dwelling, multifamily dwelling of three or four units, or dwelling unit in a mixed use development with one to four dwelling units in the Town's RS-4, RS-5, RD-10, RM-15, RM-16, RM-25 and RM-50 residential zoning districts or the B-1 or B-1-A business zoning districts as a vacation rental or short term rental as defined in section 30-11 of the Town Code without first: (i) obtaining a business tax receipt from the Town pursuant to chapter 12 of the Code, and (ii) complying with the supplemental regulations contained herein.
- (c) *Compliance with codes.* No person shall allow occupancy or possession of all or any portion of a single-family or townhouse dwelling or duplex/two-family or multifamily dwelling of three or four dwelling units or dwelling unit in a mixed use development with one to four dwelling units, as a vacation rental or short term rental if the dwelling is in violation of any zoning, building, housing, density, life/safety and fire codes or regulations.
- (d) *Duration.* No person shall allow occupancy or possession of all or any portion of a single-family or townhouse dwelling as a vacation rental for fewer than seven consecutive days. This restriction shall not apply to short term rentals.
- (e) *Rental certificate.* Any property owner, who wishes to use his or her property as a vacation rental or short term rental, must first apply for and receive a rental certificate from the Town, and renew the certificate annually for as long as the unit is used as a vacation or short term rental. Each dwelling used as a vacation rental or short term rental requires a separate rental certificate. An annual certificate fee shall be paid for each dwelling certified as a vacation rental or short term rental, in an amount to be determined by resolution of the Town Commission, to cover the costs of administration of the certificate and inspection program. Failure to comply with any of the requirements of this section shall be grounds for revocation or suspension of the certificate, in accordance with the requirements contained herein.

5/29/2020

- (f) *Application for a rental certificate.* Each property owner seeking a rental certificate, or renewal of a rental certificate, shall submit an application in a form specified by the Town Manager or designee, along with an application fee in an amount to be determined by resolution of the Town Commission. At a minimum, the application shall include all of the following:
1. The name, address and phone number of the owner(s) of record of the dwelling for which a certificate is sought; and
 2. The address of the dwelling to be used as a vacation rental or short term rental; and
 3. The name, address and phone number of the designated rental agent; and
 4. The owner's sworn acknowledgement that he or she has received a copy of this section, has reviewed it and understands its requirements; and
 5. Proof of compliance with F.S. chs. 212 (Florida Tax and Revenue Act) and 509 (Public Lodging Establishments), and Rules 69A-43 (Uniform Fire Safety Standards for Transient Public Lodging Establishments) and 69A-60 (the Florida Fire Prevention Code), Florida Administrative Code, where applicable; and
 6. A copy of the Town's inspection report; and
 7. A sketch of the dwelling's floor plan and site, including parking areas; and
 8. The number and location of designated parking spaces legally available for occupants of the vacation rental or short term rental, excluding public parking spaces; and
 9. An indication of whether pets will be allowed in the dwelling; and
 10. The owner's agreement to use his or her best efforts to assure that the vacation rental or short term rental use of the dwelling will not disrupt the residential character of the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their residences; and
 11. Any other information that this section, or any rules and procedures for implementation of this section, requires the owner to provide to the Town as part of application for or renewal of a rental certificate.
- (g) *Inspections/re-inspections of vacation rentals and short term rentals.*
1. An inspection of the dwelling for compliance with zoning, building, housing, density, life/safety and fire codes or regulations is required prior to issuance of a rental certificate. If violations are found, all violations must be corrected and the dwelling must be re-inspected prior to issuance of the rental certificate as provided herein. A combined inspection can be requested for purposes of the business tax receipt and the rental certificate for the vacation rental or the short term rental.
 2. Dwellings used for vacation rentals or short term rentals must be properly maintained and must be re-inspected annually.
 3. If the inspector(s) has made an appointment with the property owner to complete an inspection, and no adult person was at the dwelling to admit the officer at the scheduled time, the applicant shall be charged a "no show" fee in an amount to be determined by resolution of the Town Commission to cover the expense incurred by the Town.
 4. If the inspector(s) is denied admittance by the property owner, or if the inspector(s) fails in at least three attempts to complete an initial or renewal inspection of the dwelling because there was no adult person present to admit him or her, the inspector(s) shall provide notice of failure of inspection to the property owner by certified mail or other legal service to the address shown on the existing rental certificate, or the application for rental certificate. Within ten days after receipt or refusal of such notice, the property owner shall arrange for the inspector(s)' access to the dwelling for the completion of the required inspection.
- (h) *Code violations.*
1. If an owner of a dwelling used for vacation rentals has been cited and found to be in violation of a zoning, building, housing, density, life/safety or fire code or regulation by the code

5/29/2020

enforcement special magistrate, the order of the special magistrate shall include payment of an administrative fee for each required inspection or re-inspection of the dwelling in an amount to be determined by resolution of the Town Commission. The required inspection fees shall be included as part of the administrative costs assessed by the Town and shall be included in any liens filed by the Town.

2. Each day of renting a dwelling for vacation rental use or short term rental without having a rental certificate shall constitute a separate and distinct violation of this section.

(i) *Rental agent.*

1. The property owner shall designate a rental agent on its rental certificate application or renewal, and provide the agent's name, address and phone number. The property owner may serve as the rental agent. Alternatively, the owner may designate as his or her agent any natural person 18 years of age or older, who is: (i) customarily present at a business location within the Town for the purposes of transacting business, or (ii) actually resides within the Town. In order to be designated a rental agent, a person must first present the Town with written certification that he or she agrees to perform the duties specified in subsection 2. below.
2. The duties of the rental agent are to:
 - a. Be available at the listed phone number 24 hours a day, seven days a week to handle any problems arising from the vacation rental or short term rental use; and
 - b. Be able and willing to come to the vacation rental or short term rental dwelling within three hours following notification from the Town of issues related to the vacation rental or short term rental; and
 - c. Receive service of any notice of violation of this section; and
 - d. Monitor the vacation rental or short term rental dwelling at least weekly to assure continued compliance with the requirements of this section.
3. Rental agent status may be suspended or revoked by the Town Manager if a rental agent fails to perform any of the above-listed duties, after proper notice and hearing. The Town shall maintain a written record of its contacts with rental agents, including a notation of whether the agent responded within the three hours and how the issue was resolved.
 - a. *Suspension.* The Town Manager may suspend a person's rental agent status for any or all vacation rental and short term rental property in the Town for minor violations for a period of time not to exceed three months, or until certain conditions have been complied with or violations cured.
 - b. *Revocation.* The Town Manager may revoke a person's rental agent status for all vacation rental and short term rental property in the Town for major or repeated violations. After revocation of a property owner's rental certificate, the owner shall not reapply for a rental agent status for any vacation rental or short term rental property in the Town until the basis for the revocation has been resolved and in no event prior to six months following the date of revocation.
4. An owner may change his or her designation of a rental agent temporarily or permanently; however, there shall only be one rental agent for each vacation rental and short term rental at any given time. To change the designated rental agent, the owner shall notify the Town in writing of the name, contact information and certifications required in subsection (i)1. above for the new rental agent and pay the applicable fee, if any, determined by resolution of the Town Commission. Any notice of violation or legal process which has been delivered or served upon the previous rental agent, prior to the Town's receipt of notice of change of the rental agent, shall be deemed effective service.
5. It shall be the sole responsibility of the property owner to appoint a reliable rental agent and to inform the agent of his or her correct mailing address. Failure to do so shall not be a defense to a violation of this section. No property owner shall designate as a rental agent any person who does not expressly comply with the provisions of this section. The property owner or the rental agent shall be deemed to be the "violation" of this section as the term is used in F.S. § 162.06.

Service of notice on the rental agent shall be deemed service of notice on the property owner, tenant and violator.

6. A person may serve as a rental agent for one or more vacation rental or short term rental property owners if:
 - a. The agent provides the Town with written authorization from each owner represented; and
 - b. Each authorization must state that the owner has received a copy of, has reviewed and understands this section; and
 - c. Each owner must sign the authorization and acknowledge the requirements of this section.

(j) *Vacation rental and short term rental occupants.*

1. Occupancy of a dwelling for vacation rental or short term rental use must not exceed two persons per bedroom, plus two persons for each additional 200 square feet of interior living area, with total occupancy not to exceed ten persons.
2. The occupant(s) of each vacation rental or short term rental dwelling should receive a written copy of this section and the Town's pet, noise, and trash regulations.
3. The written agreement between the property owner and the occupant(s) should specify all of the following:
 - a. The name of all persons who will be occupying the dwelling; and
 - b. The license tag numbers for all vehicles that the occupant(s) will be parking at the dwelling, with a total number not to exceed the number of legal parking spaces at the dwelling, as designated on the rental certificate; and
 - c. The occupant(s)' agreement to abide by all the requirements of this section, and acknowledgement that his or her rights under the agreement may not be transferred or assigned to anyone else without a new agreement being entered into between the new occupant(s) and the owner; and
 - d. The occupant(s)' acknowledgement and agreement that violation of the agreement or this section may result in immediate termination of the agreement and eviction from the vacation rental or short term rental unit by the owner or resident agent, and potential liability for payment of fines levied by the Town.
4. Occupants may only park in the spaces designated on the rental certificate sketch, in compliance with chapter 19 of the Code.
5. Any vessels must be moored at an onsite docking facility or stored in compliance with chapter 19 of this Code. No vessel docked at a vacation rental or short term rental shall be used for live-aboards, sleeping or overnight accommodations.
6. All occupants must evacuate from the vacation rental or short term rental upon posting of any nonresident evacuation order.
7. **For all short term rentals:**
 - a. **The use of the pool and pool deck or other outdoor facilities shall be limited to 8:00 a.m. to 10:00 p.m.; and**
 - b. **The use of any machine or device for producing or reproducing any sound between the hours of 10:00 p.m. and 8:00 a.m., shall be allowed only within the fully enclosed short term rental unit and shall not be audible at the property line of the short term rental unit.**

(k) *Vacation rental or short term rental dwelling.*

1. There shall be posted, in the dwelling on or within ten feet of the front door, all of the following information:
 - a. The name, address and phone number of the rental agent; and
 - b. The maximum occupancy of the dwelling; and

5/29/2020

- c. The maximum number of vehicles that can be parked at the dwelling, along with a sketch of the location of the parking spaces; and
 - d. The days of trash pickup, and a notice that trash shall not be left or stored outside the dwelling except after 6:00 p.m. on the day prior to pickup, and the trash containers shall be removed from the curb no later than 6:00 p.m. on the day of pickup; and
 - e. The location of the nearest hospital and police station; and
 - f. A legible copy of the rental certificate; and
 - g. A legible copy of this section; and
 - h. A legible copy of the agreement between the owner and the vacation rental or short term rental occupant(s), for the duration of the rental period covered by that agreement.
 - 2. Each vacation rental or short term rental must contain the covered trash container(s) provided by the Town's waste hauler. Placement of trash container(s) for curbside pickup shall be in compliance with Town regulations.
- (l) *Revocation or suspension of rental certificate.* Violation of this section, after proper notice and hearing, is a basis for revocation or suspension of a rental certificate.
- 1. *Suspension.* The Town Manager may suspend the rental certificate for a specific period of time not to exceed six months, or until certain conditions have been complied with or violations cured.
 - 2. *Revocation.* The Town Manager may revoke the rental certificate. After revocation of a property owner's rental certificate, the owner shall not reapply for a rental certificate for any property in the Town until the basis for the revocation has been resolved and in no event prior to six months following the date of revocation.
 - 3. *Penalty.* If the property owner, after such revocation or suspension, thereafter continues to allow vacation rental or short term rental use of the dwelling, each day of continued use shall be a continuing violation subject to a fine up to the maximum permitted by law per day, which fine shall result in a lien upon the vacation rental or short term rental dwelling or other property of the owner as otherwise provided in this Code.
- (m) *No limitation of remedies.* Nothing in this section shall limit the Town from enforcement of its Code, State or Federal law by any other legal remedy available to the Town. Nothing in this section shall be construed to limit or supplant the power of the Inspector(s), Code Enforcement Officer or Code Enforcement Special Magistrate under the Town's ordinances, rules and regulations and the authority granted under State law, to take necessary action, consistent with the law, to protect the public from property which constitutes a public nuisance as defined under State law or the Town's ordinances, codes or regulations or to abate a nuisance by any other lawful means or proceedings.
- (n) *Sale or transfer of dwelling unit used for vacation rental or short term rental use.* Whenever a dwelling used for vacation rental or short term rental use is sold or otherwise changes ownership and the new owner desires to use the dwelling for vacation rental or short term rental use, the new owner must, prior to allowing any such use:
- 1. Schedule and obtain an inspection of the dwelling with the Code Compliance Division; and
 - 2. Apply for a rental certificate for the vacation rental or short term rental use.
- (o) *Rules and procedures.* The Town Manager or designee may create rules and procedures to assist in the implementation of this section, including but not limited to a timeline and procedure for all existing vacation rentals and short term rentals to apply for and obtain their first rental certificate pursuant to this section in a manner consistent with available staff resources.
- (p) *Existing rental uses.*
- (1) Existing vacation rentals are those existing rentals or those subject to valid written agreements executed prior to the effective date of the ordinance [from which this section is derived], which obligate a property owner to rent a dwelling in violation of this section. Existing vacation rental uses shall comply with this section no later than May 26, 2010.

- (2) Existing short term rentals are those existing rentals or those subject to valid written agreements executed prior to April 25, 2017, which obligate a property owner to rent a dwelling in violation of this section. Existing short term rental uses shall comply with this section no later than September 30, 2017.
- (q) *Appeals.* A revocation or suspension of the rental certificate, or of rental agent status, by the Town Manager may be appealed to the Town Commission, as provided in this subsection.
1. *Applicability.* The owner of a vacation rental or short term rental may file an appeal of a revocation or suspension of a rental certificate for the owner's property. A person may file an appeal of a revocation or suspension of his or her rental agent status.
 2. *Filing of appeal.* The appeal shall be filed within 30 days of receiving notice of the revocation or suspension by certified mail, in a form specified by the Town and accompanied by an application fee in an amount to be determined by resolution of the Town Commission. Failure to file an appeal within 30 days shall constitute a waiver of all rights to appeal the revocation or suspension.
 3. *Notice and scheduling of appeal hearing.* The public hearing on the appeal shall be scheduled for the first available Town Commission meeting following completion of the Town's review and evaluation of the application or such other time as is mutually agreed upon between the applicant and the Town Manager. If the appeal involves a rental certificate, the property owner shall be responsible for providing mailed notice of the hearing to all property owners located within 300 feet of the vacation rental's or short term rental's property line.
 4. *Appeal hearing.* At the public hearing, the Town Commission shall consider the appeal application, the relevant support materials, the Town Manager's recommendations, and public testimony given at the hearing. If, at any time during the public hearing, the Town Commission determines that the appeal is based upon incomplete or inaccurate information or misstatements of fact, it may deny the appeal or refer the application back to the Town Manager for further review and revised recommendations. The Town Commission shall presume the original decision of the Town Manager was correct, and shall only overturn such decision where there has been an error of fact or law. At the close of the public hearing, the Town Commission, by not less than a majority of the quorum present, shall approve a resolution granting, granting with conditions, or denying the appeal.
 5. *Judicial relief.* The applicant, or any aggrieved person who has opposed the appeal at the public hearing, may appeal the decision of the Town Commission by filing a petition for writ of certiorari in the circuit court in and for Broward County, in accordance with the procedures provided by the Florida Rules of Civil Procedure and the Florida Rules of Appellate Procedure.

(Ord. No. 2009-19, § 9, 5-26-09; Ord. No. 2009-30, § 8, 12-1-09; Ord. No. 2014-13, § 2, 10-28-2014; Ord. No. 2014-13, § 2, 10-28-2014; Ord. No. 2017-05, § 3, 4-25-2017)

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5/29/2020

LAUDERDALE•BY•THE•SEA

24-HOUR RENTAL AGENT INFORMATION CHANGE SHEET Vacation/Short Term Rentals

Date: _____ Rental Property Address: _____

NEW 24-HOUR AGENT INFORMATION – MUST BE LOCAL

Only one Agent allowed. Must respond to site within 3 hours of notification by Town. Must be at least 18 years of age.

Agent's Name (must be a specific person, not a business): _____

Agent's Mailing Address (no P. O. Box): _____

City & State: _____ ZIP: _____

Agent's 24-Hour Cell Phone Number (ONE number; must be answered 24/7): _____

Agent's E-Mail: _____

NEW 24-HOUR AGENT'S AGREEMENT:

BY signing this AGREEMENT, the Local Agent agrees to use his or her best efforts to assure that the vacation rental use of the dwelling unit will not disrupt the residential character of the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their residences. Additionally, the Local Agent certifies that he or she agrees to perform the duties specified in Section 30-327(i)(2) of the Town Code. Furthermore, the Local Agent acknowledges that they were provided a copy of Town Code Section 30-327. - Vacation rentals and short-term rentals.

24-Hour Agent's Signature: _____

Printed Name: _____

OWNER'S AFFIDAVIT:

I HEREBY DECLARE that all information provided in this application is true and correct and, further, understand that providing false or misleading information on this application may result in being denied, or the loss thereof, of any license or permit issued by the Town of Lauderdale-By-The-Sea which was based upon information provided in this application.

Property Owner's Signature: _____

Printed Name: _____

STATE OF FLORIDA)

) SS:

COUNTY OF BROWARD)

SWORN TO and subscribed before me by means of _____ physical presence or _____ online
notarization, this _____ day of _____, 202_____.



NOTARY PUBLIC, State of Florida

Personally known _____ or produced identification _____

Type of identification produced: _____

4501 N. Ocean Drive, Lauderdale-The-Sea, FL 33308
(954) 640-4210
BTR@lbts-fl.gov
M-F 8:30 AM-4:30 PM

5/29/2020

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 280

INTRODUCER: Fiscal Policy Committee and Senator DiCeglie

SUBJECT: Vacation Rentals

DATE: January 19, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxamendi</u>	<u>Imhof</u>	<u>RI</u>	Favorable
2.	<u>Oxamendi</u>	<u>Yeatman</u>	<u>FP</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 280 revises the regulation of vacation rentals. A vacation rental is a unit in a condominium or cooperative, or a single, two, three, or four family house that is rented to guests more than three times a year for periods of less than 30 days or one calendar month, whichever is shorter, or held out as regularly rented to guests. Vacation rentals are licensed by the Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation (DBPR). Current law does not allow local laws, ordinances, or regulations that prohibit vacation rentals or to regulate the duration or frequency of the rental of vacation rentals. However, this prohibition does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.

The bill permits “grandfathered” local laws, ordinances, or regulations adopted on or before June 1, 2011, to be amended to be less restrictive or to comply with local registration requirements. Additionally, a local government that had such a “grandfathered” regulation in effect on June 1, 2011, is authorized by the bill to adopt a new, less restrictive ordinance. The bill does not affect vacation rental ordinances in jurisdictions located in an area of critical state concern. The bill provides that a local law, ordinance, or regulation may restrict the maximum occupancy for rented residential properties if the restriction applies uniformly without regard to whether the residential property is used as a vacation rental.

The bill also preempts the regulation of advertising platforms to the state. An advertising platform is a person, which may be an individual or a corporation, who electronically advertises

a vacation rental to rent for transient occupancy, maintains a marketplace, and a reservation or payment system.

Under the bill, a local government may require vacation rentals to be registered. The bill allows local governments to charge a reasonable fee for registration and to inspect a vacation rental after registration to verify compliance with the Florida Building Code and the Florida Fire Prevention Code.

The bill establishes limits for a local government registration program, including requiring a vacation rental owner to provide proof of state licensure, submit identifying information, obtain any required tax registrations, pay all recorded municipal or county code liens, designate a responsible person who must be available 24 hours a day, seven days a week, to respond to complaints and emergencies, and to state the maximum occupancy for the vacation rental in compliance with the Florida Fire Prevention Code.

The bill permits a local government to:

- Impose a fine on a vacation rental operator of up to \$500 for violations of the local registration requirements, and to file and foreclose on a lien based on the fine if the property is not subject to homestead protections against foreclosure.
- Suspend a registration for violations of an ordinance that does not apply solely to vacation rentals and the violations occur on and are related to the vacation rental property, including suspensions of up to:
 - 30 days based on five or more violations on five separate days during a 60-day period;
 - 60 days based on one or more violations on five separate days during a 30-day period; or
 - 90 days based on one or more violations after two prior suspensions.

The bill also:

- Requires that local governments give the vacation rental operator 15 days to cure a violation before issuing a fine;
- Provides for the payment of attorney fees, costs, and damages to the prevailing party when a vacation rental operator appeals a denial, suspension, or revocation of a vacation rental registration; and
- Allows local governments to fine a vacation rental operator for failure to provide the local vacation rental registration number to the Division of Hotels and Restaurants (division).

The bill also authorizes a local government to revoke or refuse to renew a registration if:

- A vacation rental registration has been suspended three times;
- There is an unsatisfied recorded municipal or county lien, provided the vacation rental owner is given at least 60 days before termination of the registration to satisfy the lien; and
- The vacation rental premises and owner are the subject of a final order or judgment lawfully directing the termination of the premises' use as a vacation rental.

The bill authorizes the division to revoke, refuse to issue or renew, or suspend a vacation rental license for a period of not more than 30 days if:

- Operation of the vacation rental violates a condominium, cooperative, or homeowners' association lease or property restriction as determined by a final order or judgment;

- The local registration is suspended or revoked; or
- The premises or its owner is the subject of an order or judgment directing the termination of the premises' use as a vacation rental.

Effective January 1, 2025, the bill authorizes the division to issue temporary licenses to permit the operation of a vacation rental while the license application is pending. It also requires the division to assign a unique identifier for each individual vacation rental dwelling or unit.

The bill requires the owner or operator of a vacation rental offered for transient occupancy through an advertising platform to include the property's vacation rental license number with the associated unique identifier issued by the division and, if applicable, the local registration number on the vacation rental's advertisement, and attest that, to the best of their knowledge, those numbers are current, valid, and accurate. The vacation rental property owner or operator must display the local registration and licensure information inside the vacation rental property.

The bill requires an advertising platform to display the vacation rental license number with the associated unique identifier and, if applicable, the local registration number of each property that advertises on its platform. Effective July 1, 2026, an advertising platform must:

- Verify the validity of the vacation rental's license number with the unique identifier and local registration number, if applicable, before it publishes the advertisement;
- Not advertise or license a vacation rental without a valid license number with a unique identifier and, if applicable, the local registration number;
- Remove from public view any advertisement or listing that fails to display a valid vacation rental license number with a unique identifier and, if applicable, the local registration number; and
- Notify the division within 15 days after any advertisement or listing fails to display a valid license number with a unique identifier and, if applicable, local registration number.

To facilitate the required verification of vacation rental licensure and registration, the division must create and maintain a vacation rental license information system. Additionally, the division's vacation rental information system must permit:

- Local governments to notify the division of a termination, failure to renew, or period of suspension of a local registration;
- Local governments to verify the license and local registration status of a vacation rental; and
- The registered user to subscribe to receive notification of changes to the license or registration of a vacation rental.

The bill requires advertising platforms to collect and remit any taxes imposed under chs. 125, 205, and 212, F.S., that result from payment for the rental of a vacation rental property on its platform. The bill allows platforms to exclude service fees from the taxable amount if the platforms do not own, operate, or manage the vacation rental. It allows the division to take enforcement action for noncompliance.

The bill provides that this act will not supersede any current or former governing document for a condominium, cooperative, or homeowners' association.

The bill provides an appropriation. The bill has a fiscal impact. See Section V. Fiscal Impact Statement.

The Revenue Estimating Conference has not determined the fiscal impact of this bill.

Except as otherwise expressly provided in the bill, the bill takes effect July 1, 2024.

II. Present Situation:

The Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation (DBPR) is the state agency charged with enforcing the provisions of ch. 509, F.S., relating to the regulation of public lodging establishments and public food service establishments for the purpose of protecting the public health, safety, and welfare.

The term “public lodging establishments” includes transient and non-transient public lodging establishments.¹ The principal differences between transient and non-transient public lodging establishments are the number of times that the establishments are rented in a calendar year and the duration of the rentals.

A “transient public lodging establishment” is defined in s. 509.013(4)(a)1., F.S., as:

...any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings *which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month*, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests. (emphasis added)

A “non-transient public lodging establishment” is defined in s. 509.013(4)(a)2., F.S., as:

...any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings *which is rented to guests for periods of at least 30 days or 1 calendar month*, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for periods of at least 30 days or 1 calendar month. (emphasis added)

Section 509.013(4)(b), F.S., exempts the following types of establishments from the definition of “public lodging establishment”:

- Any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students, faculty, or visitors;
- Any facility certified or licensed and regulated by the Agency for Health Care Administration or the Department of Children and Families or other similar place regulated under s. 381.0072, F.S.;

¹ Section 509.013(4)(a), F.S.

- Any place renting four rental units or less, unless the rental units are advertised or held out to the public to be places that are regularly rented to transients;
- Any unit or group of units in a condominium, cooperative, or timeshare plan and any individually or collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit that is rented for periods of at least 30 days or one calendar month, whichever is less, and that is not advertised or held out to the public as a place regularly rented for periods of less than one calendar month, provided that no more than four rental units within a single complex of buildings are available for rent;
- Any migrant labor camp or residential migrant housing permitted by the Department of Health under ss. 381.008 - 381.00895, F.S.;
- Any establishment inspected by the Department of Health and regulated by ch. 513 F.S.;
- Any nonprofit organization that operates a facility providing housing only to patients, patients' families, and patients' caregivers and not to the general public;
- Any apartment building inspected by the United States Department of Housing and Urban Development or other entity acting on the department's behalf that is designated primarily as housing for persons at least 62 years of age. The division may require the operator of the apartment building to attest in writing that such building meets the criteria provided in this subparagraph. The division may adopt rules to implement this requirement; and
- Any rooming house, boardinghouse, or other living or sleeping facility that may not be classified as a hotel, motel, timeshare project, vacation rental, non-transient apartment, bed and breakfast inn, or transient apartment under s. 509.242, F.S.

A public lodging establishment is classified as a hotel, motel, vacation rental, non-transient apartment, transient apartment, bed and breakfast inn, or timeshare project if the establishment satisfies specified criteria.²

A "vacation rental" is defined in s. 509.242(1)(c), F.S., as:

...any unit or group of units in a condominium, cooperative, or timeshare plan or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is also a transient public lodging establishment but is not a timeshare project.

Section 509.013(2), F.S., defines the term "operator" to mean the owner, licensee, proprietor, lessee, manager, assistant manager, or appointed agent of a public lodging establishment or public food service establishment.

² Section 509.242(1), F.S.

The DBPR licenses vacation rentals as condominiums, dwellings, or timeshare projects.³ The division may issue a vacation rental license for “a single-family house, a townhouse, or a unit or group of units in a duplex, triplex, quad plex, or other dwelling unit that has four or less units collectively.”⁴ The division does not license or regulate the rental of individual rooms within a dwelling unit based on the rooming house and boardinghouse exclusion from the definition of public lodging establishment in s. 509.013(4)(b)9., F.S.⁵

The 63,690 public lodging establishment licenses issued by the division are distributed as follows:⁶

- Hotels – 2,382 licenses;
- Motels – 2,353 licenses;
- Non-transient apartments – 18,480 licenses;
- Transient apartments – 936 licenses;
- Bed and Breakfast Inns – 268 licenses;
- Vacation rental condominiums – 13,434 licenses;
- Vacation rental dwellings – 31, 703 licenses; and
- Vacation rental timeshare projects – 48 licenses.

Inspections of Vacation Rentals

The division must inspect each licensed public lodging establishment at least biannually, but must inspect transient and non-transient apartments at least annually. However, the division is not required to inspect vacation rentals, but vacation rentals must be available for inspection upon a request to the division.⁷ The division conducts inspections of vacation rentals in response to a consumer complaint. In Fiscal Year 2022-2023, the division received 356 consumer complaints regarding vacation rentals. In response to the complaints, the division’s inspection confirmed a violation for 45 of the complaints.⁸

The division’s inspection of vacation rentals includes matters of safety (for example, fire hazards, smoke detectors, and boiler safety), sanitation (for example, safe water sources, bedding, and vermin control), consumer protection (for example, unethical business practices, compliance with the Florida Clean Air Act, and maintenance of a guest register), and other

³ Fla. Admin. Code R. 61C-1.002(4)(a)1.

⁴ The division further classifies a vacation rental license as a single, group, or collective license. See Fla. Admin. Code R. 61C-1.002(4)(a)1. A single license may include one single-family house or townhouse, or a unit or group of units within a single building that are owned and operated by the same individual person or entity. A group license is a license issued by the division to a licensed agent to cover all units within a building or group of buildings in a single complex. A collective license is a license issued by the division to a licensed agent who represents a collective group of houses or units found on separate locations not to exceed 75 houses or units per license.

⁵ See s. 509.242(1)(c), F.S., defining the term “vacation rental.”

⁶ Department of Business and Professional Regulation, Division of Hotels and Restaurants Annual Report for FY 2022-2023 at page 8, available at http://www.myfloridalicense.com/dbpr/hr/reports/annualreports/documents/ar2022_23.pdf (last visited Dec. 4, 2023). The total number of vacation rental licenses for each classification includes single licenses and group and collective licenses that cover multiple condominium units, dwellings, and timeshare projects under a single license.

⁷ Section 509.032(2)(a), F.S.

⁸ *Supra* at note 6 on page 21.

general safety and regulatory matters.⁹ The division must notify the local fire safety authority or the State Fire Marshal of any readily observable violation of a rule adopted under ch. 633, F.S.,¹⁰ which relates to a public lodging establishment.¹¹ The rules of the State Fire Marshall provide fire safety standards for transient public lodging establishments, including occupancy limits for one and two family dwellings.¹²

Additionally, an applicant for a vacation rental license is required to submit with the license application a signed certificate evidencing the inspection of all balconies, platforms, stairways, railings, and railways, from a person competent to conduct such inspections.¹³

Preemption

Section 509.032(7)(a), F.S., provides that “the regulation of public lodging establishments and public food service establishments, including, but not limited to, sanitation standards, inspections, training and testing of personnel, and matters related to the nutritional content and marketing of foods offered in such establishments, is preempted to the state.”

Current law does not preempt the authority of a local government or a local enforcement district to conduct inspections of public lodging establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code, pursuant to ss. 553.80 and 633.206, F.S.¹⁴

Section 509.032(7)(b), F.S., does not allow local laws, ordinances, or regulations that prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. However, this prohibition does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.

Section 509.032(7)(c), F.S., provides that the prohibition in s. 509.032(7)(b), F.S., does not apply to local laws, ordinances, or regulations exclusively relating to property valuation as a criterion for vacation rental if the law, ordinance, or regulation is required to be approved by the state land planning agency pursuant to an area of critical state concern designation.¹⁵

⁹ See ss. 509.211 and 509.221, F.S., for the safety and sanitary regulations, respectively. See also Fla. Admin. Code R. 61C-1.002; *Lodging Inspection Report, DBPR Form HR 5022-014*, which details the safety and sanitation matters addressed in the course of an inspection. A copy of the Lodging Inspection Report is available at: <https://www.flrules.org/Gateway/reference.asp?No=Ref-07062> (last visited Dec. 4, 2023).

¹⁰ Chapter 633, F.S., relates to fire prevention and control, including the duties of the State Fire Marshal and the adoption of the Florida Fire Prevention Code.

¹¹ Section 509.032(2)(d), F.S.

¹² See Fla. Admin. Code R. 69A-43.018, relating to one and two family dwellings, recreational vehicles and mobile homes licensed as public lodging establishments.

¹³ See ss. 509.211(3) and 509.2112, F.S., and form *DBPR HR-7020, Division of Hotels and Restaurants Certificate of Balcony Inspection*, available at:

http://www.myfloridalicense.com/dbpr/hr/forms/documents/application_packet_for_vacation_rental_license.pdf (last visited Dec. 4, 2023).

¹⁴ Section 509.032(7)(a), F.S.

¹⁵ See s. 380.031(18), F.S., which provides that the state land planning agency is the Department of Economic Opportunity. See also s. 380.05, F.S., relating to the designation of areas of critical state concern. Chapter 2023-173, Laws of Fla., changed the name of the Department of Economic Opportunity to the Department of Commerce and the name change will be reflected in the 2024 Florida Statutes.

Legislative History

In 2011, the Legislature preempted certain vacation rental regulation to the state. The preemption prevented local governments from enacting any law, ordinance, or regulation that:

- Restricted the use of vacation rentals;
- Prohibited vacation rentals; or
- Regulated vacation rentals based solely on their classification, use, or occupancy.¹⁶

This legislation grandfathered any local law, ordinance, or regulation that was enacted by a local government on or before June 1, 2011.¹⁷

In 2014, the Legislature revised the preemption to its current form with an effective date of July 1, 2014.¹⁸ Chapter 2014-71, Laws of Fla., amended s. 509.032(7)(b), F.S., and repealed the portions of the preemption of local laws, ordinances, and regulations which prohibited “restrict[ing] the use of vacation rentals” and which prohibited regulating vacation rentals “based solely on their classification, use, or occupancy.”¹⁹

Attorney General Opinions

The office of the Attorney General issued an Informal Legal Opinion on October 22, 2013, regarding whether Flagler County could intercede and stop vacation rental operations in private homes that were zoned, prior to June 1, 2011, for single-family residential use.²⁰ According to the opinion, “due to an increase in the number of homes being used as vacation rentals in Flagler County, many permanent residents in neighborhoods with vacation rentals have raised concerns about the negative effects such rentals have on their quality of life and the character of their neighborhood.” Flagler County had no regulation governing vacation rentals before the grandfather date of June 1, 2011, established in s. 509.032(7)(b), F.S. The Attorney General concluded that the county’s local zoning ordinance for single-family homes that predated June 1, 2011, did not restrict the rental of such property as a vacation rental and that the zoning ordinances could not now be interpreted to restrict vacation rentals.

The Attorney General also issued an opinion on November 13, 2014, to the City of Wilton Manors, concluding that s. 509.032(7)(b), F.S., does not permit the city to regulate the location of vacation rentals through zoning, and the city may not prohibit vacation rentals that fail to comply with the registration and licensing requirements in s. 509.241, F.S., which requires public lodging establishments to obtain a license from the division.²¹

In addition, the Attorney General issued an advisory opinion on October 4, 2016, addressing whether a municipality could limit the spacing and concentration of vacation rentals through a

¹⁶ Chapter 2011-119, Laws of Fla.

¹⁷ *Id.*

¹⁸ Chapter 2014-71, Laws of Fla. (codified in s. 509.032(7)(b), F.S.).

¹⁹ *Id.*

²⁰ Florida Attorney General, *Informal Legal Opinion to Mr. Albert Hadeed, Flagler County Attorney, regarding Vacation Rental Operation-Local Ordinances*, Oct. 22, 2013, available at <https://www.myfloridalegal.com/ag-opinions/vacation-rental-operations-local-ordinances> (last visited Dec. 4, 2023).

²¹ Op. Att’y Gen. Fla. 2014-09, *Vacation Rentals - Municipalities - Land Use* (November 12, 2014), available at <https://www.myfloridalegal.com/ag-opinions/vacation-rentals-municipalities-land-use> (last visited Dec. 4, 2023).

proposed zoning ordinance.²² The Attorney General concluded that the preemption in s. 509.032, F.S., allows local governments some regulation of vacation rentals, but prevents local governments from prohibiting vacation rentals. Consequently, the Attorney General noted that a municipality may not impose spacing or proportional regulations that would have the effect of preventing eligible housing from being used as a vacation rental.²³

The Attorney General also opined that amending an ordinance that was enacted prior to June 1, 2011 will not invalidate the grandfather protection for the parts of the ordinance that are reenacted.²⁴ However, the new provisions would be preempted by state law if an ordinance was revised in a manner that would regulate the duration or frequency of rental of vacation rentals, even when the new regulation would be considered “less restrictive” than the prior local law.

Public Lodging Non-Discrimination Law

Section 509.092, F.S., prohibits an operator of a public lodging establishment from denying service or offering lesser quality accommodations to a person based upon his or her race, creed, color, sex, pregnancy, physical disability, or national origin. An aggrieved person may file a complaint pursuant to s. 760.11, F.S., of the Florida Civil Rights Act. Such complaints are mediated, investigated, and determined by the Florida Commission on Human Relations.²⁵

III. Effect of Proposed Changes:

Preemptions

The bill amends s. 509.032(7), F.S., to preempt the regulation of advertising platforms to the state. The bill also amends s. 509.032(7), F.S., to preempt the licensing of vacation rentals to the state.

The bill does not affect the “grandfather” provision in s. 509.032(7)(b), F.S., which does not allow local laws, ordinances, or regulations prohibiting vacation rentals or regulating the duration or frequency of rental of vacation rentals. Under the bill, a “grandfathered” local law, ordinance, or regulation adopted on or before June 1, 2011, may be amended to be less restrictive or to comply with local registration requirements. Additionally, the bill permits a local government that had a “grandfathered” regulation in effect on June 1, 2011, to pass a new, less restrictive ordinance that would be “grandfathered” as well.

The bill also exempts local laws, ordinances, and regulations that are “grandfathered” under s. 509.032(7)(b), F.S., from the local registration requirements in s. 509.032(8), F.S.

²² Op. Att’y Gen. Fla. 2016-12, *Municipalities - Vacation Rentals – Preemption – Zoning* (Oct. 4, 2016), available at <https://www.myfloridalegal.com/ag-opinions/municipalities-vacation-rentals-preemption-zoning> (last visited Dec. 4, 2023).

²³ *Id.*

²⁴ Op. Att’y Gen. Fla. 2019-07, *Vacation rentals, municipalities, grandfather provisions* (August 16, 2019) available at <https://www.myfloridalegal.com/ag-opinions/vacation-rentals-municipalities-grandfather-provision> (last visited Dec. 4, 2023).

²⁵ See Florida Commission on Human Relations, *Public Accommodations*, available at <https://fchr.myflorida.com/public-accommodations> (last visited Dec. 4, 2023).

Definition of “Advertising Platform”

The bill creates s. 509.013(17), F.S., to define the term “advertising platform.” Under the bill, an advertising platform is a person²⁶ who:

- Provides an online application, software, website, or system through which a vacation rental located in this state is advertised or held out to the public as available to rent for transient occupancy;
- Provides or maintains a marketplace for the renting by transient occupancy of a vacation rental; and
- Provides a reservation or payment system that facilitates a transaction for the renting by transient occupancy of a vacation rental and for which the person collects or receives, directly or indirectly, a fee in connection with the reservation or payment service provided for such transaction.

Tax Collection and Reporting Requirements

The bill also amends s. 212.03(3), F.S., to require advertising platforms to collect and report taxes imposed under ch. 212, F.S. The bill:

- Provides that the taxes an advertising platform must collect and remit are based on the total rental amount charged by the owner or operator for use of the vacation rental.
- Excludes service fees from the calculation of taxes remitted by an advertising platform to the Department of Revenue (DOR), unless the advertising platform owns, is related to, operates, or manages the vacation rental.
- Requires the DOR and local government jurisdictions to allow advertising platforms to register, collect, and remit such taxes.

The bill authorizes the DOR to adopt emergency rules, which are effective for six months and may be renewed until permanent rules are adopted. This emergency rulemaking authority expires on January 1, 2026.

The bill creates s. 509.243(4), F.S., to require advertising platforms to collect and remit taxes due under ss. 125.0104,²⁷ 125.0108,²⁸ 205.044,²⁹ 212.03,³⁰ 212.0305,³¹ and 212.055, F.S.,³² resulting from the reservation of a vacation rental property and payment therefor through an advertising platform.

²⁶ Section 1.01(3), F.S., defines the term “person” to include “individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.”

²⁷ Section 125.0104, F.S., relates to the local option tourist development tax.

²⁸ Section 125.0108, F.S., relates to the tourist impact tax in areas within a county designated as an area of critical state concern.

²⁹ Section 205.044, F.S., relates to the merchant business tax measured by gross receipts.

³⁰ Section 212.03, F.S., relates to the transient rentals tax.

³¹ Section 212.0305, F.S., relates to convention development taxes.

³² Section 212.055, F.S., relates to discretionary sales taxes.

Local Registration of Vacation Rentals

The bill creates s. 509.032(8), F.S., to permit local governments to require vacation rentals to register under a local registration program.

The bill provides that a local government is not prohibited from adopting a law, ordinance, or regulation if it is uniformly applied without regard to whether the residential property is used as a vacation rental.

Application Process

The bill allows local governments to charge a reasonable fee³³ for the local registration and a reasonable fee to inspect a vacation rental after registration to verify compliance with the Florida Building Code and the Florida Fire Prevention Code.

The bill establishes limits for a local government registration program. A local registration program may only require an owner or operator of a vacation rental to:

- Submit identifying information;
- Provide proof of a vacation rental license with the unique identifier issued by the division;
- Obtain all required tax registrations, receipts, or certificates issued by the Department of Revenue, a county, or a municipal government;
- Update required information on a continuing basis to be current;
- Designate and maintain a responsible person who is capable of responding to complaints and emergencies by telephone at a provided telephone number 24 hour a day, 7 days a week, and receiving legal notices of complaints on behalf of the vacation rental operator;
- State the maximum occupancy for the vacation rental in compliance with the Florida Fire Prevention Code;³⁴ and
- Pay in full all recorded municipal or county code liens.

Additionally, the bill requires local governments to review a registration application for completeness and accept the registration or issue a written notice specifying deficient areas within 15 days of receipt of an application. The vacation rental owner or operator may agree to an extension of this time period. Such notice may be provided by mail or electronically.

If a local government denies an application, the written notice of denial may be sent by United States mail or electronically. The notice must state with particularity the factual reasons for the denial and the applicable portions of an ordinance, rule, statute, or other legal authority for the

³³ Sections 125.66 and 166.041, F.S., requires counties and municipalities, respectively, before enactment of a proposed ordinance to prepare a business impact estimate that includes an identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible, and an estimate of the municipality's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs.

³⁴ Fla. Admin. Code R. 69A-43.018, relating to the uniform fire safety standards for transient public lodging establishments, timeshare plans, and timeshare unit facilities, provides that the maximum occupancy load permitted for one and two family dwellings and mobile homes licensed as public lodging establishments is at 150 square feet gross floor area per person.

denial. A local government cannot deny a registration application if the applicant cures the identified deficiency.

Upon the acceptance of a registration application, the local government must assign a unique registration number to the vacation rental or other indicia of registration and provide such registration number or other indicia of registration to the owner or operator of the vacation rental in writing or electronically.

If a local government fails to accept or deny the registrations within the provided timeframes, the application is deemed accepted.

Within five days of receipt of the vacation rental registration number, the vacation rental operator must provide the vacation rental registration to the division.

Enforcement and Remedies

Fines Imposed by Local Governments

Under the bill, a local government may fine a vacation rental operator up to \$500 for failing to continue to meet the registration requirements, failing to provide the local registration number to the division, and failing to register the vacation rental with the local government.³⁵ Local governments must give the vacation rental operator 15 days to cure a violation before issuing a fine. The fine must be recorded in the public records. The bill permits the local governments to file a lien on the real property on which the violation occurred. The local governments may foreclose on a lien based on the fine to recover a money judgment in the amount of the lien if the lien remain unpaid for three or more months after it is filed and the property is not subject to homestead protection against foreclosure.³⁶

Registration Suspensions by Local Governments

The bill authorizes a local government to suspend a registration for material violations of an ordinance that does not apply solely to vacation rentals, and the violations occur on and are related to the vacation rental property. The local law, ordinance, or regulation may not solely apply to vacation rentals, and the violation must be directly related to the owner's vacation rental premises. The finding of a material violation must be made by the code enforcement board or a special magistrate.

³⁵ Section 162.09(2), F.S., permits code enforcement boards or special magistrates to impose fines not to exceed \$250 per day for a first violation and not to exceed \$500 per day for a repeat violation. However, if the code enforcement board or special magistrate finds there is irreparable or irreversible harm caused by the code violation, the fine may not exceed \$1,000 per day per violation for a first violation, \$5,000 per day per violation for a repeat violation, and up to \$15,000 per violation. Moreover, a county or a municipality with a population equal to or greater than 50,000 may adopt, by a vote of at least a majority plus one of the entire governing body of the county or municipality, an ordinance that gives code enforcement boards or special magistrates, or both, authority to impose fines not exceed to \$1,000 per day per violation for a first violation, \$5,000 per day per violation for a repeat violation, and up to \$15,000 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature.

³⁶ Section 162.09(3), F.S., provides a comparable authority to local governments to file liens and foreclose on liens based on unpaid fines.

Upon a finding of a material violation, the code enforcement board or special magistrate may recommend to the local government that the operation of the vacation rental be suspended up to:

- 30 days based on one or more violations on five separate days during a 60-day period;
- 60 days based on one or more violations on five separate days during a 30-day period; and
- 90 days based on one or more violations after two prior suspensions.

The bill requires local governments to give notice of a suspension to the operator of a vacation rental within five days after the suspension. The notice must include the start date of the suspension, which must be at least 21 days after the notice is sent to the operator and the division.

Beginning January 1, 2026, a local government must use the vacation rental information system described in s. 509.244, F.S., which is created by the bill, to provide the notice of suspension of a vacation rental registration to the division.

Registration Revocations by Local Governments

Under the bill, a local government may revoke or refuse to renew a vacation rental registration if:

- The owner's registration has been suspended three times;
- There is an unsatisfied recorded municipal lien or county lien on the real property of the vacation rental, provided local governments give a vacation rental owner at least 60 days to satisfy a recorded municipal or county code lien before terminating a local registration because of the unsatisfied lien; or
- The premises and its owner are the subject of a final order or judgment lawfully directing the termination of the premises' use as a vacation rental.

The bill uses interchangeably the terms "revocation" and "termination."

The bill also requires local governments to give notice of a termination or nonrenewal to the operator of a vacation rental within five days after the termination or nonrenewal. The notice must include the start date of the termination or nonrenewal, which must be at least 21 days after the notice is sent to the operator and the division. Beginning January 1, 2026, a local government must use the vacation rental information system described in s. 509.244, F.S., which is created by the bill, to provide the notice of termination or nonrenewal of a vacation rental registration to the division.

Appeals

Under the bill, a vacation rental owner may appeal a denial, suspension, termination, or nonrenewal of a vacation rental registration to the circuit court. The appeal must be filed within 30 days after the issuance of the denial, suspension, or termination. The bill provides that the court may assess and award reasonable attorney fees and costs and damages to the prevailing party in the appeal.³⁷

³⁷ Section 162.11, F.S., provides for the appeal of a final administrative order of a local government enforcement board to the circuit court. This provision does not provide for the awarding of attorney fees and costs to the prevailing party.

Regulation of Vacation Rentals by the Division

Licensing

Effective January 1, 2025, the bill amends ss. 509.241(2) and (3), F.S., relating to the license application process for vacation rentals, to:

- Authorize the Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation (DBPR) upon receiving an application for a vacation rental license to grant a temporary license to permit the operation of the vacation rental while the license application is pending and to post the information required under s. 509.243(1)(c), F.S.
 - The temporary license automatically expires upon final agency action regarding the license application.
- Require any license issued by the division to be displayed conspicuously to the public inside the licensed establishment, instead of “in the office or lobby.”
- Require the owner or operator of a vacation rental offered for transient occupancy through an advertising platform to display the vacation rental local registration number, if applicable.
- Require the licensee or licensed agent managing a vacation rental to submit to the division, through the division’s online system, any applicable local vacation rental registration number within five days after registration.
- Require the division to assign a unique identifier on each vacation rental license it issues which identifies each individual vacation rental dwelling or unit.

Suspensions and Revocations of Vacation Rental Licensees

The bill amends s. 509.261, F.S., to authorize the division to revoke, refuse to issue or renew, or suspend for a period of not more than 30 days a vacation rental license when:

- The operation of the subject premises violates the terms of an applicable lease or property restriction, including any property restriction adopted pursuant to chs. 718, 719, or 720, F.S., as determined by a final order of a court or an arbitrator’s written decision;³⁸
- The registration of the vacation rental is suspended or revoked by a local government as provided in s. 509.032(8); or
- The premises and its owner are the subject of a final order or judgment lawfully directing the termination of the premises’ use as a vacation rental.

When revoking, suspending, or refusing to renew a vacation rental license, the division must specify the license number with the associated unique identifier of the vacation rental dwelling or unit that has been suspended, revoked or not renewed. The division must also input such status into the vacation rental information system described in s. 509.244, F.S.

The bill requires that any suspension of a vacation rental license based on the suspension of a local registration must run concurrently with the local registration suspension.

³⁸ Chapters 718, 719, or 720, F.S., relate to the regulation and governance of condominium, cooperative, and homeowners’ associations, respectively.

Requirements for Advertising Platforms

Effective January 1, 2025, the bill creates s. 509.243, F.S., to provide requirements for an advertising platform, including tax collection and remittance requirements. Under the bill, an advertising platform must:

- Require that a person who places an advertisement for the rental of a vacation rental to:
 - Include the vacation rental license number with the associated unique identifier and, if applicable, the local registration number; and
 - Attest to the best of the person's knowledge that the license number and the local registration number, if applicable, for the vacation rental property are current and valid and that all related information is accurately stated in the advertisement.
- Display the vacation rental license number with the associated unique identifier and, if applicable, the local registration number.
- Adopt an anti-discrimination plan and inform its users of the public lodging discrimination prohibition found in s. 509.092, F.S.

Effective January 1, 2026, the advertising platforms shall:

- Use the vacation rental information system described in s. 509.244, F.S., to verify the vacation rental license number with the associated unique identifier and, if applicable, the local registration number.
- Not advertise or list a vacation rental that fails to provide a valid state license number with the unique identifier and, if applicable, a local registration number as indicated on the division's vacation rental information system;
- Remove from public view an advertisement or listing from its online application, software, website, or system within 15 business days after notification that a vacation rental license or, if applicable, a local registration:
 - Has been suspended, revoked, or not renewed; or
 - Fails to display a valid license number with the associated unique identifier and, if applicable, the local registration number; and
- Notify the division within 15 days after any advertisement or listing fails to display a valid license number with a unique identifier and, if applicable, local registration number.

The bill requires advertising platforms to collect and remit taxes due under ss. 125.0104,³⁹ 125.0108,⁴⁰ 205.044,⁴¹ 212.03,⁴² 212.0305,⁴³ and 212.055, F.S.,⁴⁴ resulting from the reservation of a vacation rental property and payment therefor through an advertising platform.

³⁹ Section 125.0104, F.S., relates to the local option tourist development tax.

⁴⁰ Section 125.0108, F.S., relates to the tourist impact tax in areas within a county designated as an area of critical state concern.

⁴¹ Section 205.044, F.S., relates to the merchant business tax measured by gross receipts.

⁴² Section 212.03, F.S., relates to the transient rentals tax.

⁴³ Section 212.0305, F.S., relates to convention development taxes.

⁴⁴ Section 212.055, F.S., relates to discretionary sales taxes.

The bill also:

- Provides processes for the division to issue a cease and desist order to any person who violates ch. 509, F.S.
- Authorizes the division to seek an injunction or a writ of mandamus to enforce a cease and desist order.
- Provides that, if the division is required to seek enforcement of the notice for a penalty pursuant to s. 120.69, F.S., it is entitled to collect its attorney fees and costs, together with any cost of collection.
- Authorizes the division to fine an advertising platform an amount not to exceed \$1,000 per offense for a violation of the provisions in the bill or rules of the division.
- Provides that the advertising platform requirements in the bill do not create a private right of action against advertising platforms.

Vacation Rental Information System

The bill creates s. 509.244, F.S., to require the division to create and maintain, by July 1, 2025, a vacation rental information system readily accessible through an application program interface to permit:

- Licensees and advertising platforms to promptly comply with ch. 509, F.S., relating in pertinent part to public lodging establishments;
- Vacation rental advertisers to verify the vacation rental license number with the associated unique identifier, the applicable local registration number, and the license or registration status of the vacation rental;
- Local governments to notify the division of a termination, failure to renew, or period of suspension of a local registration;
- Local governments to verify the license and local registration status of a vacation rental; and
- The registered user to subscribe to receive notification of changes to the license or registration of a vacation rental.

Community Associations

The bill provides that the application of vacation rental provisions created by the bill do not supersede any current or future declaration or declaration of condominium adopted pursuant to ch. 718, F.S., cooperative documents adopted pursuant to ch. 719, F.S., or declaration of covenants or declaration for a homeowners' association adopted pursuant to ch. 720, F.S.

Appropriation

The bill provides an appropriation for the 2024-2025 fiscal year, of \$327,170 in recurring funds and \$53,645 in nonrecurring funds from the Hotel and Restaurant Trust Fund and \$645,202 in recurring funds and \$3,295,884 in nonrecurring funds from the Administrative Trust Fund are appropriated to the Department of Business and Professional Regulation, and nine full-time equivalent positions with a total associated salary rate of 513,417 are authorized, for the purposes of implementing the provisions in the bill.

Effective Date

Except as otherwise expressly provided in the bill, the bill takes effect July 1, 2024.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

Article VII, Section 19 of the Florida Constitution requires a “state tax or fee imposed, authorized, or raised under this section must be contained in a separate bill that contains no other subject.” A “fee” is defined by the Florida Constitution to mean “any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.”

Article VII, Section 19 of the Florida Constitution also requires that a tax or fee raised by the Legislature must be approved by two-thirds of the membership of each house of the Legislature.

The bill does not impose or authorize a state tax or fee. The bill provides that a local government may not require a registration fee of more than \$200. Under the bill, a local government is not required to charge a registration fee.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

The Revenue Estimating Conference has not determined the fiscal impact of this bill.

B. Private Sector Impact:

Indeterminate. Vacation rental owners may incur local registration costs of up to \$150 and registration renewal fees of up to \$50 if the local government in which the vacation

rental is located adopts an ordinance, law, or regulation consistent with the provisions of this bill.

C. Government Sector Impact:

The bill provides an appropriation for the 2024-2025 fiscal year, of \$327,170 in recurring funds and \$53,645 in nonrecurring funds from the Hotel and Restaurant Trust Fund and \$645,202 in recurring funds and \$3,295,884 in nonrecurring funds from the Administrative Trust Fund are appropriated to the Department of Business and Professional Regulation, and nine full-time equivalent positions with a total associated salary rate of 513,417 are authorized, for the purposes of implementing the provisions in the bill.

The Department of Business and Professional Regulation (department) anticipates an indeterminate increase in licensing revenue, but does not know the number of rental advertisements that are not licensed but require a license. It also anticipates an indeterminate increase in fines due to noncompliance.⁴⁵

The division states that the total number of vacation rental complaints it has received has increased more than 42 percent since Fiscal Year (FY) 2018-2019 with a record high of 1,391 complaints in in FY 2019-2020. Consequently, it anticipates an increased number of based on the requirements of the bill, including a large, indeterminate influx of complaints from local jurisdictions, tax collectors, vacation rental guests, license holders, and concerned homeowners.⁴⁶

The department anticipates a total fiscal impact of \$4,318,901 (\$972,371 recurring and \$3,346,529 nonrecurring). The fiscal impact is predominantly due to the creation of the vacation rental information system required under the bill. The anticipated cost for implementing the new system is \$3.25 million, with annual recurring license and maintenance costs of \$150,000, which may increase over time based on the consumer product index or a negotiated percentage. The department would also need an additional nine full time employees.⁴⁷

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

⁴⁵ See Department of Business and Professional Regulation, 2023 Agency Legislative Bill Analysis for SB 280, pp. 7 and 8 (Dec. 1, 2023) (on file with the Senate Fiscal Policy Committee).

⁴⁶ *Id.* at 9.

⁴⁷ *Id.* at 8.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 159.27, 212.03, 212.08, 316.1955, 404.056, 477.0135, 509.013, 509.032, 509.221, 509.241, 509.261, 553.5041, 559.955, 561.20, 705.17, 705.185, 717.1355, and 877.24.

This bill creates the following sections of the Florida Statutes: 509.243 and 509.244.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Fiscal Policy on January 18, 2024:

The committee substitute makes following substantive revisions to the bill:

- Revises the fee for a local registration from \$150 per unit to a reasonable fee per unit;
- Increases the fine a local government may impose from \$300 to \$500 per violation;
- Allows a vacation rental operator a 15-day period to cure before a local government may issue a fine for a violation;
- Revised the requirement to state the maximum occupancy in a vacation rental application to include compliance with the Florida Fire Prevention Code;
- Provides for the payment of attorney fees, costs, and damages to the prevailing party when a vacation rental operator appeals a denial, suspension, or revocation of a vacation rental registration;
- Allows local governments to fine a vacation rental operator for failure to provide the local vacation rental license number to the Division of Hotels and Restaurants (division);
- Authorizes the division to suspend a vacation rental license for the same period as any local suspension of the vacation rental registration;
- Prohibits advertising platforms from advertising or listing a vacation rental that fails to provide a valid state license number with the unique identifier and, if applicable, a local registration number as indicated on the division's vacation rental information system;
- Requires advertising platforms to notify the division within 15 days after any advertisement or listing fails to display a valid license number with a unique identifier and local registration number, if applicable; and
- Provides an appropriation.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

The Florida Senate
HOUSE MESSAGE SUMMARY

Prepared By: The Professional Staff of the Committee on Regulated Industries

[2024s00280.hms.ri]

BILL: CS/SB 280

INTRODUCER: Senators DiCeglie and Mayfield

SUBJECT: Vacation Rentals

DATE: March 6, 2024

I. Amendments Contained in Message:

House Amendment – 814927 (body with title)

II. Summary of Amendments Contained in Message:

House Amendment – 814927 revises CS/SB 280 to:

- Provide for the payment of taxes by the operator listing a vacation rental with an advertising platform.
- “Grandfather” any county law, ordinance, or regulation initially adopted on or before January 1, 2016, that established county registration requirements for rental of vacation rentals, and any amendments thereto adopted before January 1, 2024. However, such county law, ordinance, or regulation may not be amended or altered except to be less restrictive or to adopt registration requirements as provided in the bill.
- Remove a provision allowing local governments to fine a vacation rental operator for failure to provide the division with the unique local registration number.
- Exempt maximum overnight occupancy requirements from the 15-day cure period before a vacation rental may be fined for violations of the registration requirements.
- Limit liens for unpaid fines to the real property where the violation occurred.
- Clarify that the temporary vacation rental license becomes permanent upon final agency action granting the vacation rental license.
- Delete the requirement for advertising platforms to verify the vacation rental license number with the unique identifier and local registration number, if applicable, before it publishes the advertisement.
- Delete the requirement that advertising platforms notify the Division of Hotels and Restaurants within 15 days after any advertisement or listing fails to display a valid license number and, if applicable, local registration number.
- Limit the information advertising platforms must report to the division each quarter to be the Internet address of the advertisement; and the vacation rental license number and, if applicable, the local registration number.