

CS/HB 249

2012

1 A bill to be entitled
2 An act relating to public lodging establishments;
3 amending s. 509.013, F.S.; revising the definition of
4 the term "public lodging establishment" to exclude
5 certain apartment buildings designated primarily as
6 housing for persons at least 62 years of age;
7 authorizing the Division of Hotels and Restaurants to
8 require written documentation from an apartment
9 building operator that such building is in compliance
10 with certain criteria; authorizing the division to
11 adopt certain rules; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Subsection (4) of section 509.013, Florida
16 Statutes, is amended to read:

17 509.013 Definitions.—As used in this chapter, the term:

18 (4) (a) "Public lodging establishment" includes a transient
19 public lodging establishment as defined in subparagraph 1. and a
20 nontransient public lodging establishment as defined in
21 subparagraph 2.

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

29 2. "Nontransient public lodging establishment" means any
 30 unit, group of units, dwelling, building, or group of buildings
 31 within a single complex of buildings which is rented to guests
 32 for periods of at least 30 days or 1 calendar month, whichever
 33 is less, or which is advertised or held out to the public as a
 34 place regularly rented to guests for periods of at least 30 days
 35 or 1 calendar month.

36
 37 License classifications of public lodging establishments, and
 38 the definitions therefor, are set out in s. 509.242. For the
 39 purpose of licensure, the term does not include condominium
 40 common elements as defined in s. 718.103.

41 (b) The following are excluded from the definitions in
 42 paragraph (a):

43 1. Any dormitory or other living or sleeping facility
 44 maintained by a public or private school, college, or university
 45 for the use of students, faculty, or visitors.†

46 2. Any facility certified or licensed and regulated by the
 47 Agency for Health Care Administration or the Department of
 48 Children and Family Services or other similar place regulated
 49 under s. 381.0072.†

50 3. Any place renting four rental units or less, unless the
 51 rental units are advertised or held out to the public to be
 52 places that are regularly rented to transients.†

53 4. Any unit or group of units in a condominium,
 54 cooperative, or timeshare plan and any individually or
 55 collectively owned one-family, two-family, three-family, or
 56 four-family dwelling house or dwelling unit that is rented for

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57 | periods of at least 30 days or 1 calendar month, whichever is
58 | less, and that is not advertised or held out to the public as a
59 | place regularly rented for periods of less than 1 calendar
60 | month, provided that no more than four rental units within a
61 | single complex of buildings are available for rent.~~†~~

62 | 5. Any migrant labor camp or residential migrant housing
63 | permitted by the Department of Health under ss. 381.008-
64 | 381.00895.~~†~~

65 | 6. Any establishment inspected by the Department of Health
66 | and regulated by chapter 513.~~†~~and

67 | 7. Any nonprofit organization that operates a facility
68 | providing housing only to patients, patients' families, and
69 | patients' caregivers and not to the general public.

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

78 | Section 2. This act shall take effect October 1, 2012.