

1 A bill to be entitled
 2 An act relating to public lodging and food service
 3 establishments; amending s. 509.241, F.S.; requiring
 4 an applicant for a vacation rental license to provide
 5 the Division of Hotels and Restaurants of the
 6 Department of Business and Professional Regulation
 7 with certain information; amending s. 509.281, F.S.;
 8 revising penalties for an operator who fails,
 9 neglects, or refuses to obtain a license or pay the
 10 required license fee; providing an effective date.

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

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 14 Section 1. Subsection (2) of section 509.241, Florida
 15 Statutes, is amended to read:

16 509.241 Licenses required; exceptions.—

17 (2) APPLICATION FOR LICENSE.—Each person who plans to open
 18 a public lodging establishment or a public food service
 19 establishment shall apply for and receive a license from the
 20 division before ~~prior to~~ the commencement of operation.

21 (a) A condominium association, as defined in s. 718.103,
 22 which does not own any units classified as vacation rentals or
 23 timeshare projects under s. 509.242(1)(c) or (g) is not required
 24 to apply for or receive a public lodging establishment license.

25 (b) An applicant for a license for a vacation rental must

26 provide the division with all of the following information:

27 1. Proof of inspection and compliance with county,
 28 municipal, building, zoning, and firesafety codes reflecting a
 29 change in use from a single-family or multifamily residential
 30 dwelling to a transient public lodging establishment.

31 2. Proof that the underlying homeowner's insurance policy
 32 allows the structure to be used as a transient public lodging
 33 establishment.

34 3. A signed affidavit from the chief executive of the
 35 municipality, or the county if the property is in an
 36 unincorporated area, where the property is located confirming
 37 that operating a vacation rental at that address is allowed.

38 Section 2. Subsection (2) of section 509.281, Florida
 39 Statutes, is amended to read:

40 509.281 Prosecution for violation; duty of state attorney;
 41 penalties.-

42 (2)(a) Except as provided in paragraph (b), any operator
 43 who obstructs or hinders any agent of the division in the proper
 44 discharge of the agent's duties; ~~who fails, neglects, or refuses~~
 45 ~~to obtain a license or pay the license fee required by law;~~ or
 46 who fails or refuses to perform any duty imposed upon it by law
 47 or rule commits ~~is guilty of~~ a misdemeanor of the second degree,
 48 punishable as provided in s. 775.082 or s. 775.083.

49 (b) Any operator who fails, neglects, or refuses to obtain
 50 a license or to pay the license fee required by law commits, for

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51 the first offense, a noncriminal violation, punishable as
52 provided in s. 775.083, and for a second or subsequent offense,
53 the operator commits a misdemeanor of the first degree,
54 punishable as provided in s. 775.082 or s. 775.083.
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56 Each day that such establishment is operated in violation of law
57 or rule is a separate offense.

58 Section 3. This act shall take effect October 1, 2023.