

Committee on Regulated Industries

CS/SB 280 — Vacation Rentals

by Fiscal Policy Committee and Senators DiCeglie and Mayfield

The bill revises the regulation of vacation rentals by the state and by local governments. 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).

Exemptions

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 also “grandfathers” 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.

Preemptions

The bill preempts the licensing of vacation rentals and 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.

Local Registration Programs

A local government may require vacation rentals to be registered and charge a reasonable fee for registration and for specified inspections of a vacation rental.

Before implementing a vacation rental registration program, local governments must prepare a business impact estimate in accordance that includes identifying 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 local regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs.

The bill establishes the registration requirements, including requiring applicants to:

- Submit identifying information about the owner and operator of the vacation rental;
- Provide proof of a division-issued vacation rental license;
- 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;
- Pay in full all recorded municipal or county code liens;
- Designate and maintain a responsible person to respond to complaints and emergencies by telephone at a provided telephone number 24 hours a day, 7 days a week; and
- State the maximum occupancy for 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.

The bill permits a local government to:

- Impose a \$500 fine on a vacation rental operator 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 that occur on and are related to the vacation rental property, including suspensions of 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;
 - or
 - 90 days based on one or more violations after two prior suspensions.

A local government may not suspend a vacation rental for a violation not directly related to the vacation rental premises and must give the operator an opportunity to cure registration violations that are not related to maximum occupancy rate.

A local government must provide notice of the suspension and must state the start date of the suspension, which must be at least 21 days after the notice is sent. A vacation rental operator may appeal a denial, suspension, or revocation to the circuit court which may award attorney fees, costs, and damages to the prevailing party. After January 1, 2026, a local government must use the information system established in the bill to notify the division that the vacation rental's local registration has been suspended.

The bill authorizes a local government to revoke or refuse to renew a registration in certain situations including if the registration has been suspended three times or if there is an unsatisfied recorded municipal or county lien.

The bill does not supersede any current or former governing document for a condominium, cooperative, or homeowners' association.

State Regulation of Vacation Rentals

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

- 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.

If the division suspends a license on the basis of a local suspension of a vacation rental registration, the suspension must run concurrently.

Vacation Rental Information System

To facilitate compliance with the requirements in the bill by vacation rental licensees and advertising platforms, the bill requires the division to create and maintain a vacation rental information system. The system must:

- Facilitate prompt compliance with ch. 509, F.S., relating, in relevant part, to public lodging establishments, by a licensee or an advertising platform;
- Allow advertising platforms to search by and verify the status of a unique vacation rental license number, applicable local registration number;
- Allow a local government to notify the division of a revocation or failure to renew, or the period of suspension of a local registration; and
- Allow registered users to subscribe to receive automated notification of changes to a vacation rental license or registration.

State Regulation of Advertising Platforms

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:

- Remove any advertisement or listing vacation rental license number with a unique identifier and, if applicable, the local registration number within 15 business days after notification that the license, or if applicable, a local registration:
 - Has been suspended, revoked, or not renewed; or
 - Fails to display a valid vacation rental license number or, if applicable, a local registration number.
- Quarterly provide a list of all vacation rentals which are advertised on its platform within Florida, including the uniform resource locator for the Internet address of the vacation

rental advertisement, and the vacation rental license number, and, if applicable, the local registration number.

The division may 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.

Tax Collection

The bill requires advertising platforms and vacation rental operators listing a vacation rental on an advertising platform 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.

Appropriation

For Fiscal Year 2024-2025, the bill appropriates \$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 to the DBPR, and nine full-time equivalent positions for the purposes of implementing the provision of the bill.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024, except where otherwise provided.

Vote: Senate 23-16; House 60-51