

COMMITTEE/SUBCOMMITTEE AMENDMENT Bill No. CS/HB 1537 (2024)
Amendment No. 1

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COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)

ADOPTED AS AMENDED (Y/N)

ADOPTED W/O OBJECTION (Y/N)

FAILED TO ADOPT (Y/N)

WITHDRAWN (Y/N)

OTHER

Committee/Subcommittee hearing bill: Commerce Committee 1

Representative Griffitts offered the following: 2

3

Amendment (with title amendment) 4

Remove lines 475-802 and insert: 5

(a) A local government or tax collector may charge a fee 6 of no
more than \$150 per unit for processing a registration 7
application. A local law, ordinance, or regulation may require 8
annual renewal of a registration and may charge a renewal fee of 9
no more than \$50 per unit for processing of a registration 10
renewal. However, if there is a change of ownership, the new 11
owner may be required to submit a new application for 12
registration. Subsequent to the registration of a vacation 13
rental, a local government may charge a fee, not to exceed \$150, 14
for a person authorized by s. 633.118 to inspect the vacation 15

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rental and enforce the laws and rules of the State Fire Marshall 16 for issues pertaining to the uniform fire safety standards. 17

(b) As a condition of registration or renewal of a 18 vacation rental, a local law, ordinance, or regulation 19 establishing a local vacation rental registration program may 20 require the operator of a vacation rental to do only the 21 following: 22

1. Submit identifying information about the owner and the 23 owner's operator, if applicable, and the subject vacation rental 24 premises. 25

2. Provide proof of a license with the unique identifier 26 issued by the division to operate as a vacation rental. 27

3. Obtain all required tax registrations, receipts, or 28 certificates issued by the Department of Revenue, a county, or a 29 municipality. 30

4. Update required information on a continuing basis to 31 ensure it is current. 32

5. Designate and maintain at all times a responsible party 33 who is capable of responding to complaints or emergencies 34 related to the vacation rental, including being available by 35 telephone at a provided contact telephone number 24 hours a day, 36 7 days a week, and receiving legal notice of violations on 37 behalf of the operator. The responsible party has until 9 a.m. 38 the next calendar day to respond to a complaint or emergency by 39 telephone or otherwise. 40 COMMITTEE/SUBCOMMITTEE AMENDMENT Bill No. CS/HB 1537 (2024) Amendment No. 1

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6. State the maximum occupancy of the vacation rental 41 based on the number of sleeping accommodations for persons 42 staying overnight in the vacation rental. 43

7. Pay in full all recorded municipal or county code liens 44 against the subject vacation rental premises. 45

(c) Within 15 business days after receiving an application 46 for registration of a vacation rental, a local government must 47 review the application for completeness and accept the 48 registration of the vacation rental or issue a written notice of 49 denial. 50

1. The vacation rental operator and the local government 51 may agree to a reasonable request to extend the timeframes 52 provided in this paragraph, particularly in the event of a force 53 majeure or other extraordinary circumstance. 54

2. If a local government fails to accept or deny the 55 registration within the timeframes provided in this paragraph, 56 the application is deemed accepted. 57

(d) If a local government denies a registration of a 58 vacation rental, the local government must give written notice 59 to the applicant. Such notice may be provided by United States 60 mail or electronically. The notice must specify with 61 particularity the factual reasons for the denial and include a 62 citation to the applicable portions of the ordinance, rule, 63 statute, or other legal authority for the denial of the 64 registration. A local government may not prohibit an applicant 65 COMMITTEE/SUBCOMMITTEE

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from reapplying if the applicant cures the identified 66 deficiencies. 67

(e)1. Upon an accepted vacation rental registration, a 68 local government shall immediately assign a unique registration 69 number to the vacation rental unit and provide the registration 70 number or other indicia of registration to the vacation rental 71 operator in writing or electronically. 72

2. The vacation rental operator must provide the vacation 73 rental registration number to the division. 74

(f) A local government may fine a vacation rental operator 75 up to \$300 if he or she: 76

1. Fails to continue to meet the registration requirements 77 in paragraph (b); or 78

2. Is operating a vacation rental without registering with 79 the local government as a vacation rental. 80

(g) A certified copy of an order imposing a fine may be 81 recorded in the public records and thereafter constitutes a lien 82 against the real property on which the violation exists. Upon 83 petition to the circuit court, such order is enforceable in the 84 same manner as a court judgment by the sheriffs of this state, 85 including execution and levy against the personal property of 86 the violator, but such order may not be deemed to be a court 87 judgment except for enforcement purposes. A fine imposed 88 pursuant to this subsection shall continue to accrue until the 89 violator comes into compliance or until judgment is rendered in 90

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a suit filed pursuant to this section, whichever occurs first. A 91
lien arising from a fine imposed pursuant to this subsection 92
runs in favor of the local government, and the local government 93
may execute a satisfaction or release of lien. Three months or 94
more after the filing of any such lien that remains unpaid, the 95
local government may foreclose on the lien against the real 96
property on which the violation exists or sue to recover a money 97
judgment for the amount of the lien, plus accrued interest. A 98
lien created pursuant to this part may not be foreclosed on real 99
property that is a homestead under s. 4, Art. X of the State 100
Constitution. The money judgment provisions of this section do 101
not apply to real property or personal property that is covered 102
under s. 4(a), Art. X of the State Constitution. 103

(h)1. If a vacation rental owner is found by the code 104
enforcement board or special magistrate to have materially 105
violated a local law, ordinance, or regulation that does not 106
solely apply to vacation rentals and the violation is directly 107
related to the owner's vacation rental premises, the local 108
government must issue a written notice of such violation. 109

2. If the owner is found to have materially violated a 110 local
law, ordinance, or regulation as described in subparagraph 111 1.,
the code enforcement board or special magistrate must make a 112
recommendation to the local government as to whether an owner's 113
vacation rental registration should be suspended. 114

3. The code enforcement board or special magistrate must 115

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recommend the suspension of the owner's vacation rental 116
registration if the owner is found to have: 117

- a. One or more material violations on 5 separate days 118 during a
60-day period; 119
- b. One or more material violations on 5 separate days 120 during a
30-day period; or 121
- c. One or more material violations after two prior 122 suspensions
of an owner's vacation rental registration during a 123 6-month
period. 124

4. If the code enforcement board or special magistrate 125
recommends suspension of an owner's vacation rental 126
registration, a local government may suspend such registration 127
for a period of: 128

- a. Up to 15 days for one or more material violations on 5 129
separate days during a 60-day period; 130
- b. Up to 30 days for one or more material violations on 5 131
separate days during a 30-day period; or 132
- c. Up to 60 days for one or more material violations after 133 two
prior suspensions of an owner's vacation rental registration 134
during a 6-month period. 135

5. A local government may not suspend an owner's vacation 136
rental registration for violations of a local law, ordinance, or
137 regulation which are not directly related to the vacation
rental 138 premises. 139

6. A local government must provide notice of the 140

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suspension of a vacation rental registration to the operator and
141 the division within 5 days after the suspension. The notice
must 142 include the start date of the suspension, which must be at
least 143 21 days after the suspension notice is sent to the
operator and 144 the division. Effective January 1, 2026, a local
government must 145 use the vacation rental information system
described in s. 146 509.244 to provide notice of the suspension of
a vacation rental 147 registration to the division. 148

(i)1. A local government may revoke or refuse to renew a 149
vacation rental registration of a specific vacation rental if: 150

a. The code enforcement board or special magistrate has 151 found
that the vacation rental owner has habitually committed 152
material violations pursuant to paragraph (h) and has imposed 153
the strictest penalty thereunder; 154

b. There is an unsatisfied recorded municipal lien or 155 county
lien on the real property of the vacation rental; 156 however, the
local government must allow the vacation rental 157 owner at least
60 days before the termination of a registration 158 to satisfy the
recorded municipal lien or county lien and must 159 immediately and
automatically reinstate or renew the 160 registration upon
satisfaction of such lien; or 161

c. The vacation rental premises and its owner are the 162 subject
of a final order or judgment by a court of competent 163
jurisdiction lawfully directing the termination of the premises'
164 use as a vacation rental. 165 COMMITTEE/SUBCOMMITTEE AMENDMENT
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2. A local government must provide notice of the 166 termination of or refusal to renew a vacation rental 167 registration to the operator and the division within 5 days 168 after the termination or refusal to renew. The notice must 169 include the date of termination or nonrenewal, which must be at 170 least 21 days after the notice is sent to the operator and the 171 division. 172

(j) A vacation rental owner may appeal a denial, 173 suspension, or termination of a vacation rental registration, or 174 a refusal to renew such registration, to the circuit court. An 175 appeal must be filed within 30 days after the issuance of the 176 denial, suspension, or termination of, or refusal to renew, the 177 vacation rental registration. The court may assess and award 178 reasonable attorney fees and costs and damages to a vacation 179 rental owner. 180

(k) A vacation rental owner may apply for registration 181 upon the sale of the vacation rental premises to a new owner or 182 6 months after revocation of or refusal to renew the vacation 183 rental registration pursuant to paragraph (i). 184

185

This subsection does not prohibit a local government from 186 establishing a local law, ordinance, or regulation if it is 187 uniformly applied without regard to whether the residential 188 property is used as a vacation rental. 189

Section 4. Effective January 1, 2025, present paragraph 190

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(c) of subsection (4) of section 509.241, Florida Statutes, is 191 redesignated as paragraph (d), a new paragraph (c) is added to 192 that subsection, subsection (5) is added to that section, and 193 subsections (2) and (3) of that section are amended, to read: 194 509.241 Licenses required; exceptions; division online 195 accounts and transactions.— 196

(2) APPLICATION FOR LICENSE.—Each person who plans to open 197 a public lodging establishment or a public food service 198 establishment shall apply for and receive a license from the 199 division before prior to the commencement of operation. A 200 condominium association, as defined in s. 718.103, which does 201 not own any units classified as vacation rentals or timeshare 202 projects under s. 509.242(1)(c) or (g) is not required to apply 203 for or receive a public lodging establishment license. Upon 204 receiving an application for a vacation rental license, the 205 division shall grant a temporary license that authorizes the 206 vacation rental to begin operation while the application is 207 pending. The temporary license becomes permanent upon final 208 agency action regarding the license application that grants the 209 vacation rental license. 210

(3) DISPLAY OF LICENSE.—A Any license issued by the 211 division must shall be conspicuously displayed to the public 212 inside in the office or lobby of the licensed establishment. 213 Public food service establishments that which offer catering 214 services must shall display their license number on all 215

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advertising for catering services. The operator of a vacation 216
rental offered for transient occupancy through an advertising 217
platform must also conspicuously display the vacation rental's 218
local registration number, if applicable, inside the unit in a 219
visible location. 220

(4) ONLINE ACCOUNT AND TRANSACTIONS.—Each person who plans 221 to
open a public lodging establishment or a public food service 222
establishment and each licensee or licensed agent must create 223
and maintain a division online account and provide an e-mail 224
address to the division to function as the primary contact for 225
all communication from the division. 226

(c) Each licensee or licensed agent managing a license 227
classified as a vacation rental as defined in s. 509.242(1)(c) 228
must submit to the division, through the division's online 229
system, any applicable local vacation rental registration 230
number. 231

(5) UNIQUE IDENTIFIER.—The division shall include a unique 232
identifier expressed as a series of letters or numbers at the 233
end of the vacation rental license number on each vacation 234
rental license it issues which identifies each individual 235
vacation rental dwelling or unit. 236

Section 5. Effective January 1, 2025, section 509.243, 237 Florida
Statutes, is created to read: 238

509.243 Advertising platforms.— 239

(1) An advertising platform shall require that a person 240
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who places an advertisement or listing for a vacation rental 241
which offers it for rent do all of the following: 242

(a) Include in the advertisement or listing the vacation 243 rental
license number with the associated unique identifier. 244

(b) Attest to the best of the person's knowledge that the 245
vacation rental's license and, if applicable, its local 246
registration are current and valid and that all related 247
information is accurately stated in the advertisement. 248

(2) An advertising platform shall display the vacation 249 rental
license number with the associated unique identifier. 250

(3) Effective January 1, 2026, an advertising platform 251 shall:
252

(a) Remove the ability to book an advertisement or a 253 listing
from its online application, software, website, or 254 system
within 15 business days after notification through the 255 vacation
rental information system as established in s. 509.244 256 that a
vacation rental license: 257

1. Has been suspended, revoked, or not renewed; or 258

2. Fails to display a valid vacation rental license number 259 with
the associated unique identifier. 260

261

The notification shall identify the nature of the deficiency. 262

(b) Provide to the division on a quarterly basis, in a 263 manner
compatible with the vacation rental information system as 264
established in s. 509.244, a list of all vacation rentals in the
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state which are advertised on its platform, including the 266
uniform resource locator for the Internet address of the 267
vacation rental advertisement and the vacation rental license 268
number associated with the vacation rental. 269

(4) If a guest uses a payment system on or through an 270
advertising platform to pay for the rental of a vacation rental 271
located in this state, the advertising platform or the 272
designated operator listing a property with an advertising 273
platform must collect and remit all taxes due under ss. 274
125.0104, 125.0108, 205.044, 212.03, 212.0305, and 212.055 275
related to the rental as provided in s. 212.03(2)(b). 276

(5) If the division has probable cause to believe that a 277 person
not licensed by the division has violated this chapter or 278 any
rule adopted pursuant thereto, the division may issue and 279
deliver to such person a notice to cease and desist from the 280
violation. The issuance of a notice to cease and desist does not
281 constitute agency action for which a hearing under s. 120.569
or 282 s. 120.57 may be sought. For the purpose of enforcing a
cease 283 and desist notice, the division may file a proceeding in
the 284 name of the state seeking the issuance of an injunction or
a 285 writ of mandamus against any person who violates any
provision 286 of the notice. If the division is required to seek
enforcement 287 of the notice for a penalty pursuant to s. 120.69,
it is 288 entitled to collect attorney fees and costs, together
with any 289 cost of collection. 290 COMMITTEE/SUBCOMMITTEE
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(6) The division may fine an advertising platform an 291 amount not to exceed \$1,000 per offense for each violation of 292 this section or of division rule. For the purposes of this 293 subsection, the division may regard as a separate offense each 294 day or portion of a day in which an advertising platform is 295 operated in violation of this section or rules of the division. 296 The division shall issue to the advertising platform a written 297 notice of any violation and provide it 15 days to cure the 298 violation before commencing any legal proceeding under 299 subsection (5). 300

(7) An advertising platform shall adopt an 301 antidiscrimination policy to help prevent discrimination by its 302 users and shall inform all users that it is illegal to refuse 303 accommodation to an individual based on race, creed, color, sex, 304 pregnancy, physical disability, or national origin, as provided 305 in s. 509.092. 306

(8) This section does not create a private cause of action 307 against advertising platforms. An advertising platform may not 308 be held liable for any action that it takes voluntarily and in 309 good faith in relation to its users in compliance with this 310 chapter or the advertising platform's terms of service. 311 Section 6. Section 509.244, Florida Statutes, is created 312 to read: 313

509.244 Vacation rental information system.— 314

(1) As used in this section, the term "application program 315 COMMITTEE/SUBCOMMITTEE AMENDMENT Bill No. CS/HB 1537 (2024) Amendment No. 1

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interface" means a predefined protocol for reading or writing 316 data across a network using a file system or a database. 317

(2) By July 1, 2025, the division shall create and 318 maintain a vacation rental information system readily accessible 319 through an application program interface. At a minimum, the 320 system must do all of the following: 321

(a) Facilitate prompt compliance with this chapter by a 322 licensee or an advertising platform. 323

(b) Provide a system interface to allow local governments 324 to verify the status of a vacation rental, if applicable. 325

(c) Allow a registered user to subscribe to receive 326 automated notifications of changes to the license and 327 registration status of a vacation rental, including any license 328 revocation, local registration termination, period of suspension 329 imposed by the division or local government, or failure to renew 330 a license or local registration. 331

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T I T L E A M E N D M E N T 335

Remove lines 21-103 and insert: 336

authorizing local governments and tax collectors to 337 charge a specified fee for processing registration 338 applications; authorizing local laws, ordinances, or 339 regulations to require annual renewal of a 340 COMMITTEE/SUBCOMMITTEE AMENDMENT Bill No. CS/HB 1537 (2024) Amendment No. 1

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registration and to charge a fee for such renewal; 341 providing that a change in ownership may require a new 342 application for registration; authorizing local 343 governments to charge a specified fee to inspect a 344 vacation rental and enforce certain laws and rules for 345 issues pertaining to uniform life safety requirements; 346 specifying requirements and procedures for, and 347 limitations on, local vacation rental registration 348 programs; authorizing local governments to fine 349 vacation rental operators under certain circumstances; 350 specifying procedures related to the imposition of 351 fines; providing applicability relating to certain 352 money judgment provisions; requiring local governments 353 to issue written notices of material violations under 354 certain circumstances; requiring the code enforcement 355 board or special magistrate to make certain 356 recommendations under specified circumstances; 357 authorizing local governments to suspend an owner's 358 vacation rental registration for specified periods of 359 time; prohibiting local governments from suspending an 360 owner's vacation rental registration for violations 361 not directly related to the vacation rental premises; 362 requiring, within a specified timeframe, local 363 governments to provide notice of registration 364 suspension to vacation rental operators and the 365 COMMITTEE/SUBCOMMITTEE AMENDMENT Bill No. CS/HB 1537 (2024) Amendment No. 1

Division of Hotels and Restaurants of the Department 366 of Business and Professional Regulation; providing 367 requirements for such notice; requiring, by a certain 368 date, local governments to use the vacation rental 369 information system to provide such notice to the 370 division; authorizing local governments to revoke or 371 refuse to renew a vacation rental registration of a 372 specific vacation rental under certain circumstances; 373 requiring, within a specified timeframe, local 374 governments to provide notice of termination of or 375 refusal to renew a vacation rental registration to 376 vacation rental operators and the division; requiring, 377 by a certain date, local governments to use the 378 vacation rental information system to provide such 379 notice to the division; providing that vacation rental 380 owners may appeal a denial, suspension, or termination 381 of, or a refusal to renew, a vacation rental 382 registration; providing procedures for such appeal; 383 authorizing a vacation rental owner to apply for 384 registration upon the sale of the vacation rental 385 premises or 6 months after revocation of or refusal to 386 renew the vacation rental registration; providing 387 construction; amending s. 509.241, F.S.; requiring the 388 division to issue temporary licenses upon receipt of 389 vacation rental license applications while such 390 COMMITTEE/SUBCOMMITTEE AMENDMENT Bill No. CS/HB 1537 (2024) Amendment No. 1

applications are pending; providing for expiration of 391 such licenses; requiring that any license issued by 392 the division be conspicuously displayed to the public 393 inside the licensed establishment; requiring that 394 operators of vacation rentals which offer a vacation 395 rental for transient occupancy through an advertising 396 platform also display to the public inside the 397 vacation rental its local registration number, if 398 applicable; requiring licensees or licensed agents 399 managing a license classified as a vacation rental to 400 submit local vacation rental registration numbers, if 401 applicable, to the division through the division's 402 online system; requiring the division to include a 403 unique identifier on each vacation rental license 404 issued which identifies each individual vacation 405 rental dwelling or unit; creating s. 509.243, F.S.; 406 requiring advertising platforms to require that 407 persons placing advertisements or listings for 408 vacation rentals include certain information in the 409 advertisements or listings and attest to certain 410 information; requiring advertising platforms to 411 display certain information; requiring, as of a 412 specified date, advertising platforms to remove the 413 ability to book an advertisement or a listing under 414 certain circumstances and to provide to the division 415 COMMITTEE/SUBCOMMITTEE AMENDMENT Bill No. CS/HB 1537 (2024) Amendment No. 1
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on a quarterly basis, in a specified manner, a list of 416 all vacation rentals in the state which are advertised 417 on its platforms, along with other specified 418 information; requiring advertising platforms or 419 designated operators of such platforms to 420