

Amendment No. 1

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WITHDRAWN _____ (Y/N)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 _____

1 Committee/Subcommittee hearing bill: Commerce Committee
2 Representative Fischer offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:
6 Section 1. Section 509.013, Florida Statutes, is amended
7 to read:

8 509.013 Definitions.—As used in this chapter, the term:

9 (1) "Advertising platform" means a person who:

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

14 (b) Provides or maintains a marketplace for the renting by
15 transient occupancy of a vacation rental; and

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

21 (2)~~(6)~~ "Director" means the Director of the Division of
22 Hotels and Restaurants of the Department of Business and
23 Professional Regulation.

24 (3)~~(1)~~ "Division" means the Division of Hotels and
25 Restaurants of the Department of Business and Professional
26 Regulation.

27 (4)~~(3)~~ "Guest" means any patron, customer, tenant, lodger,
28 boarder, or occupant of a public lodging establishment or public
29 food service establishment.

30 (5)~~(16)~~ "Nontransient" means a guest in nontransient
31 occupancy.

32 (6)~~(14)~~ "Nontransient establishment" means any public
33 lodging establishment that is rented or leased to guests by an
34 operator whose intention is that the dwelling unit occupied will
35 be the sole residence of the guest.

36 (7)~~(15)~~ "Nontransient occupancy" means occupancy when it
37 is the intention of the parties that the occupancy will not be
38 temporary. There is a rebuttable presumption that, when the
39 dwelling unit occupied is the sole residence of the guest, the
40 occupancy is nontransient.

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41 ~~(8)(2)~~ "Operator" means the owner, licensee, proprietor,
42 lessee, manager, assistant manager, or appointed agent of a
43 public lodging establishment or public food service
44 establishment.

45 ~~(9)(a)(4)(a)~~ "Public lodging establishment" includes a
46 transient public lodging establishment as defined in
47 subparagraph 1. and a nontransient public lodging establishment
48 as defined in subparagraph 2.

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

56 2. "Nontransient public lodging establishment" means any
57 unit, group of units, dwelling, building, or group of buildings
58 within a single complex of buildings which is rented to guests
59 for periods of at least 30 days or 1 calendar month, whichever
60 is less, or which is advertised or held out to the public as a
61 place regularly rented to guests for periods of at least 30 days
62 or 1 calendar month.

63
64 License classifications of public lodging establishments, and
65 the definitions therefor, are set out in s. 509.242. For the

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66 purpose of licensure, the term does not include condominium
67 common elements as defined in s. 718.103.

68 (b) The following are excluded from the definitions in
69 paragraph (a):

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

73 2. Any facility certified or licensed and regulated by the
74 Agency for Health Care Administration or the Department of
75 Children and Families or other similar place regulated under s.
76 381.0072.

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

80 4. Any unit or group of units in a condominium,
81 cooperative, or timeshare plan and any individually or
82 collectively owned one-family, two-family, three-family, or
83 four-family dwelling house or dwelling unit that is rented for
84 periods of at least 30 days or 1 calendar month, whichever is
85 less, and that is not advertised or held out to the public as a
86 place regularly rented for periods of less than 1 calendar
87 month, provided that no more than four rental units within a
88 single complex of buildings are available for rent.

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89 5. Any migrant labor camp or residential migrant housing
90 permitted by the Department of Health under ss. 381.008-
91 381.00895.

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

94 7. Any nonprofit organization that operates a facility
95 providing housing only to patients, patients' families, and
96 patients' caregivers and not to the general public.

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

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

109 (10) (a) (5) (a) "Public food service establishment" means
110 any building, vehicle, place, or structure, or any room or
111 division in a building, vehicle, place, or structure where food
112 is prepared, served, or sold for immediate consumption on or in
113 the vicinity of the premises; called for or taken out by

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

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

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

124 a. For the use of students and faculty; or

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

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

130 a. For the use of members and associates; or

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

133
134 Upon request by the division, a church or a religious, nonprofit
135 fraternal, or nonprofit civic organization claiming an exclusion
136 under this subparagraph must provide the division documentation
137 of its status as a church or a religious, nonprofit fraternal,
138 or nonprofit civic organization.

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139 3. Any eating place maintained and operated by an
140 individual or entity at a food contest, cook-off, or a temporary
141 event lasting from 1 to 3 days which is hosted by a church or a
142 religious, nonprofit fraternal, or nonprofit civic organization.
143 Upon request by the division, the event host must provide the
144 division documentation of its status as a church or a religious,
145 nonprofit fraternal, or nonprofit civic organization.

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

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

152 6. Any place of business issued a permit or inspected by
153 the Department of Agriculture and Consumer Services under s.
154 500.12.

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

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

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

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

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

171 ~~(11)(7)~~ "Single complex of buildings" means all buildings
172 or structures that are owned, managed, controlled, or operated
173 under one business name and are situated on the same tract or
174 plot of land that is not separated by a public street or
175 highway.

176 ~~(12)(8)~~ "Temporary food service event" means any event of
177 30 days or less in duration where food is prepared, served, or
178 sold to the general public.

179 ~~(13)(9)~~ "Theme park or entertainment complex" means a
180 complex comprised of at least 25 contiguous acres owned and
181 controlled by the same business entity and which contains
182 permanent exhibitions and a variety of recreational activities
183 and has a minimum of 1 million visitors annually.

184 ~~(14)(10)~~ "Third-party provider" means, for purposes of s.
185 509.049, any provider of an approved food safety training
186 program that provides training or such a training program to a

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187 public food service establishment that is not under common
188 ownership or control with the provider.

189 ~~(15)-(13)~~ "Transient" means a guest in transient occupancy.

190 ~~(16)-(11)~~ "Transient establishment" means any public
191 lodging establishment that is rented or leased to guests by an
192 operator whose intention is that such guests' occupancy will be
193 temporary.

194 ~~(17)-(12)~~ "Transient occupancy" means occupancy when it is
195 the intention of the parties that the occupancy will be
196 temporary. There is a rebuttable presumption that, when the
197 dwelling unit occupied is not the sole residence of the guest,
198 the occupancy is transient.

199 Section 2. Paragraph (c) of subsection (3) and subsection
200 (7) of section 509.032, Florida Statutes, are amended to read:

201 509.032 Duties.—

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

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

207 1. Sponsors of temporary food service events shall notify
208 the division not less than 3 days before the scheduled event of
209 the type of food service proposed, the time and location of the
210 event, a complete list of food service vendors participating in
211 the event, the number of individual food service facilities each

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212 vendor will operate at the event, and the identification number
213 of each food service vendor's current license as a public food
214 service establishment or temporary food service event licensee.
215 Notification may be completed orally, by telephone, in person,
216 or in writing. A public food service establishment or food
217 service vendor may not use this notification process to
218 circumvent the license requirements of this chapter.

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

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

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

238 (7) PREEMPTION AUTHORITY.—

239 (a) The regulation of public lodging establishments,
240 including vacation rentals, and public food service
241 establishments, including, but not limited to, sanitation
242 standards, licensing, inspections, training and testing of
243 personnel, and matters related to the nutritional content and
244 marketing of foods offered in such establishments, is expressly
245 preempted to the state. A local law, ordinance, or regulation
246 may not allow or require the local inspection or licensing of
247 public lodging establishments, including vacation rentals, or
248 public food service establishments. This paragraph does not
249 preempt the authority of a local government or local enforcement
250 district to conduct inspections of public lodging and public
251 food service establishments for compliance with the Florida
252 Building Code and the Florida Fire Prevention Code, pursuant to
253 ss. 553.80 and 633.206.

254 (b) A local law, ordinance, or regulation may regulate
255 activities that arise when a property is used as a vacation
256 rental if the law, ordinance, or regulation applies uniformly to
257 all residential properties without regard to whether the
258 property is used as a vacation rental as defined in s. 509.242,
259 the property is used as a long-term rental subject to chapter

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260 83, or the property owner chooses not to rent the property.
261 However, a local law, ordinance, or regulation may not prohibit
262 vacation rentals or regulate the duration or frequency of rental
263 of vacation rentals. The prohibitions set forth in this
264 paragraph do ~~This paragraph does~~ not apply to any local law,
265 ordinance, or regulation adopted on or before June 1, 2011,
266 including when such law, ordinance, or regulation is being
267 amended to be less restrictive with regard to a prohibition, or
268 duration, or frequency regulation.

269 (c) Paragraph (b) and the provisions of paragraph (a)
270 relating to the licensing of vacation rentals do ~~does~~ not apply
271 to any local law, ordinance, or regulation adopted on or before
272 June 1, 2011, in any jurisdiction within ~~exclusively relating to~~
273 ~~property valuation as a criterion for vacation rental if the~~
274 ~~local law, ordinance, or regulation is required to be approved~~
275 ~~by the state land planning agency pursuant to an area of~~
276 critical state concern, as designated by s. 380.0552 or chapter
277 28-36, Florida Administrative Code. Any such local law,
278 ordinance, or regulation may be amended so long as the amendment
279 is not more restrictive than the existing law, ordinance, or
280 regulation.

281 (d) The regulation of advertising platforms is preempted
282 to the state and shall be regulated under this chapter
283 designation.

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284 Section 3. Effective January 1, 2021, subsection (3) of
285 section 509.241, Florida Statutes, is amended to read:

286 509.241 Licenses required; exceptions.—

287 (3) DISPLAY OF LICENSE.—Any license issued by the division
288 must shall be conspicuously displayed to the public inside in
289 the office or lobby of the licensed establishment. Public food
290 service establishments that which offer catering services must
291 shall display their license number on all advertising for
292 catering services. The owner or operator of a vacation rental
293 offered for transient occupancy through an advertising platform
294 must also display the vacation rental license number and the
295 applicable Florida sales tax registration and tourist
296 development tax account numbers under which such taxes must be
297 paid for each rental of the property as a vacation rental.

298 Section 4. Effective January 1, 2021, section 509.243,
299 Florida Statutes, is created to read:

300 509.243 Advertising platforms.—

301 (1) (a) An advertising platform must require that a person
302 who places an advertisement for the rental of a vacation rental:

303 1. Include in the advertisement the vacation rental
304 license number and the applicable Florida sales tax registration
305 and tourist development tax account numbers under which such
306 taxes must be paid before the advertisement may be listed; and

307 2. Attest to the best of their knowledge that the license
308 number for the vacation rental property and the applicable tax

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309 numbers are current, valid, and accurately stated in the
310 advertisement.

311 (b) An advertising platform must display the vacation
312 rental license number and applicable Florida sales tax
313 registration and tourist development tax numbers. The
314 advertising platform must verify that the vacation rental
315 license number provided by the owner or operator is valid and
316 applies to the subject vacation rental before publishing the
317 advertisement on its platform and again at the end of each
318 calendar quarter that the advertisement remains on its platform.

319 (c) The division shall maintain vacation rental license
320 information in a readily accessible electronic format that is
321 sufficient to facilitate prompt compliance with the requirements
322 of this subsection by an advertising platform or a person
323 placing an advertisement on an advertising platform for
324 transient rental of a vacation rental.

325 (2) An advertising platform must provide to the division
326 on a quarterly basis, by file transfer protocol or electronic
327 data exchange file, a list of all vacation rentals located in
328 this state that are advertised on its platform, along with the
329 following information for each vacation rental:

330 (a) The uniform resource locator for the Internet address
331 of the vacation rental advertisement.

332 (b) Unless otherwise stated in the vacation rental
333 advertisement at the Internet address provided pursuant to

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334 paragraph (a), the physical address of the vacation rental,
335 including any unit designation, the vacation rental license
336 number provided by the owner or operator, and the applicable
337 Florida sales tax registration and tourist development tax
338 account numbers under which taxes will be remitted for the
339 rentals commenced through the advertisement.

340 (3) An advertising platform must remove from public view
341 an advertisement or listing from its online application,
342 software, website, or system within 15 business days after being
343 notified by the division in writing that the subject
344 advertisement or listing for the rental of a vacation rental
345 located in this state fails to display a valid license number
346 issued by the division.

347 (4) If a guest uses a payment system on or through an
348 advertising platform to pay for the rental of a vacation rental
349 located in this state, the advertising platform shall collect
350 and remit all taxes imposed under chapters 125 and 212 on the
351 total rental amount charged by the owner or operator for the use
352 of the vacation rental under ss. 125.0104 and 212.03.

353 (5) If the division has probable cause to believe that a
354 person not licensed by the division has violated this chapter,
355 or any rule adopted pursuant thereto, the division may issue and
356 deliver to such person a notice to cease and desist from the
357 violation. The issuance of a notice to cease and desist does not
358 constitute agency action for which a hearing under ss. 120.569

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359 and 120.57 may be sought. For the purpose of enforcing a cease
360 and desist notice, the division may file a proceeding in the
361 name of the state seeking the issuance of an injunction or a
362 writ of mandamus against any person who violates any provision
363 of the notice. If the department is required to seek enforcement
364 of the notice for a penalty pursuant to s. 120.569, it is
365 entitled to collect its attorney fees and costs, together with
366 any cost of collection.

367 (6) Advertising platforms must adopt an antidiscrimination
368 policy to help prevent discrimination among its users and must
369 inform all users of their services that it is illegal to refuse
370 accommodation to an individual based on race, creed, color, sex,
371 pregnancy, physical disability, or national origin pursuant to
372 s. 509.092.

373 Section 5. Subsection (2) of section 212.03, Florida
374 Statutes is amended to read:

375 212.03 Transient rentals tax; rate, procedure,
376 enforcement, exemptions.—

377 (2)(a) The tax provided for herein shall be in addition to
378 the total amount of the rental, shall be charged by the lessor
379 or person receiving the rent in and by said rental arrangement
380 to the lessee or person paying the rental, and shall be due and
381 payable at the time of the receipt of such rental payment by the
382 lessor or person, as defined in this chapter, who receives said
383 rental or payment. The owner, lessor, or person receiving the

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384 rent shall remit the tax to the department at the times and in
385 the manner hereinafter provided for dealers to remit taxes under
386 this chapter. The same duties imposed by this chapter upon
387 dealers in tangible personal property respecting the collection
388 and remission of the tax; the making of returns; the keeping of
389 books, records, and accounts; and the compliance with the rules
390 and regulations of the department in the administration of this
391 chapter shall apply to and be binding upon all persons who
392 manage or operate hotels, apartment houses, roominghouses,
393 tourist and trailer camps, and the rental of condominium units,
394 and to all persons who collect or receive such rents on behalf
395 of such owner or lessor taxable under this chapter.

396 (b) If a guest uses a payment system on or through an
397 advertising platform, as defined in s. 509.013, to pay for the
398 rental of a vacation rental located in this state, the
399 advertising platform shall collect and remit all taxes imposed
400 under chapters 125 and 212 on the total rental amount charged by
401 the owner or operator for the use of the vacation rental under
402 s. 125.0104 and this section. In order to facilitate the
403 remittance of such taxes, the department and counties that have
404 elected to self-administer the taxes imposed under chapter 125
405 must allow advertising platforms to register, collect and remit
406 such taxes.

407 Section 6. Subsection (12) of section 159.27, Florida
408 Statutes, is amended to read:

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409 159.27 Definitions.—The following words and terms, unless
410 the context clearly indicates a different meaning, shall have
411 the following meanings:

412 (12) "Public lodging or restaurant facility" means
413 property used for any public lodging establishment as defined in
414 s. 509.242 or public food service establishment as defined in s.
415 509.013 ~~s. 509.013(5)~~ if it is part of the complex of, or
416 necessary to, another facility qualifying under this part.

417 Section 7. Paragraph (jj) of subsection (7) of section
418 212.08, Florida Statutes, is amended to read:

419 212.08 Sales, rental, use, consumption, distribution, and
420 storage tax; specified exemptions.—The sale at retail, the
421 rental, the use, the consumption, the distribution, and the
422 storage to be used or consumed in this state of the following
423 are hereby specifically exempt from the tax imposed by this
424 chapter.

425 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
426 entity by this chapter do not inure to any transaction that is
427 otherwise taxable under this chapter when payment is made by a
428 representative or employee of the entity by any means,
429 including, but not limited to, cash, check, or credit card, even
430 when that representative or employee is subsequently reimbursed
431 by the entity. In addition, exemptions provided to any entity by
432 this subsection do not inure to any transaction that is
433 otherwise taxable under this chapter unless the entity has

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434 obtained a sales tax exemption certificate from the department
435 or the entity obtains or provides other documentation as
436 required by the department. Eligible purchases or leases made
437 with such a certificate must be in strict compliance with this
438 subsection and departmental rules, and any person who makes an
439 exempt purchase with a certificate that is not in strict
440 compliance with this subsection and the rules is liable for and
441 shall pay the tax. The department may adopt rules to administer
442 this subsection.

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

456 Section 8. Paragraph (b) of subsection (4) of section
457 316.1955, Florida Statutes, is amended to read:

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458 316.1955 Enforcement of parking requirements for persons
459 who have disabilities.—

460 (4)

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

468 Section 9. Subsection (5) of section 404.056, Florida
469 Statutes, is amended to read:

470 404.056 Environmental radiation standards and projects;
471 certification of persons performing measurement or mitigation
472 services; mandatory testing; notification on real estate
473 documents; rules.—

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

480 "RADON GAS: Radon is a naturally occurring radioactive gas
481 that, when it has accumulated in a building in sufficient
482 quantities, may present health risks to persons who are exposed

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483 to it over time. Levels of radon that exceed federal and state
484 guidelines have been found in buildings in Florida. Additional
485 information regarding radon and radon testing may be obtained
486 from your county health department."

487 The requirements of this subsection do not apply to any
488 residential transient occupancy, as described in s. 509.013 ~~s.~~
489 ~~509.013(12)~~, provided that such occupancy is 45 days or less in
490 duration.

491 Section 10. Subsection (6) of section 477.0135, Florida
492 Statutes, is amended to read:

493 477.0135 Exemptions.—

494 (6) A license is not required of any individual providing
495 makeup or special effects services in a theme park or
496 entertainment complex to an actor, stunt person, musician,
497 extra, or other talent, or providing makeup or special effects
498 services to the general public. The term "theme park or
499 entertainment complex" has the same meaning as in s. 509.013 ~~s.~~
500 ~~509.013(9)~~.

501 Section 11. Paragraph (b) of subsection (2) of section
502 509.221, Florida Statutes, is amended to read:

503 509.221 Sanitary regulations.—

504 (2)

505 (b) Within a theme park or entertainment complex as
506 defined in s. 509.013 ~~s. 509.013(9)~~, the bathrooms are not

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507 required to be in the same building as the public food service
508 establishment, so long as they are reasonably accessible.

509 Section 12. Paragraph (b) of subsection (5) of section
510 553.5041, Florida Statutes, is amended to read:

511 553.5041 Parking spaces for persons who have
512 disabilities.—

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

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

527 Section 13. Subsection (2) of section 705.17, Florida
528 Statutes, is amended to read:

529 705.17 Exceptions.—

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

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532 park or entertainment complex, as defined in s. 509.013 ~~s.~~
533 ~~509.013(9)~~, or operated as a zoo, a museum, or an aquarium, or
534 on the premises of a public food service establishment or a
535 public lodging establishment licensed under part I of chapter
536 509, if the owner or operator of such premises elects to comply
537 with s. 705.185.

538 Section 14. Section 705.185, Florida Statutes, is amended
539 to read:

540 705.185 Disposal of personal property lost or abandoned on
541 the premises of certain facilities.—When any lost or abandoned
542 personal property is found on premises located within a theme
543 park or entertainment complex, as defined in s. 509.013 ~~s.~~
544 ~~509.013(9)~~, or operated as a zoo, a museum, or an aquarium, or
545 on the premises of a public food service establishment or a
546 public lodging establishment licensed under part I of chapter
547 509, if the owner or operator of such premises elects to comply
548 with this section, any lost or abandoned property must be
549 delivered to such owner or operator, who must take charge of the
550 property and make a record of the date such property was found.
551 If the property is not claimed by its owner within 30 days after
552 it is found, or a longer period of time as may be deemed
553 appropriate by the owner or operator of the premises, the owner
554 or operator of the premises may not sell and must dispose of the
555 property or donate it to a charitable institution that is exempt
556 from federal income tax under s. 501(c)(3) of the Internal

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557 Revenue Code for sale or other disposal as the charitable
558 institution deems appropriate. The rightful owner of the
559 property may reclaim the property from the owner or operator of
560 the premises at any time before the disposal or donation of the
561 property in accordance with this section and the established
562 policies and procedures of the owner or operator of the
563 premises. A charitable institution that accepts an electronic
564 device, as defined in s. 815.03(9), access to which is not
565 secured by a password or other personal identification
566 technology, shall make a reasonable effort to delete all
567 personal data from the electronic device before its sale or
568 disposal.

569 Section 15. Section 717.1355, Florida Statutes, is amended
570 to read:

571 717.1355 Theme park and entertainment complex tickets.—
572 This chapter does not apply to any tickets for admission to a
573 theme park or entertainment complex as defined in s. 509.013 ~~s.~~
574 ~~509.013(9)~~, or to any tickets to a permanent exhibition or
575 recreational activity within such theme park or entertainment
576 complex.

577 Section 16. Subsection (8) of section 877.24, Florida
578 Statutes, is amended to read:

579 877.24 Nonapplication of s. 877.22.—Section 877.22 does
580 not apply to a minor who is:

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

584 Section 17. The application of this act shall not
585 supersede any current or future declaration or declaration of
586 condominium adopted pursuant to chapter 718, Florida Statutes,
587 cooperative document adopted pursuant to chapter 719, Florida
588 Statutes, or declaration or declaration of covenant adopted
589 pursuant to chapter 720, Florida Statutes.

590 Section 18. (1) The Department of Revenue is authorized,
591 and all conditions are deemed to be met, to adopt emergency
592 rules pursuant to s. 120.54(4), Florida Statutes, for the
593 purpose of implementing s. 212.03, Florida Statutes, including
594 establishing procedures to facilitate the remittance of taxes.

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

600 (3) This section expires January 1, 2023.

601 Section 19. Paragraphs (n) and (o) of subsection (2) and
602 paragraph (e) of subsection (6) of section 775.21, Florida
603 Statutes, are amended to read:

604 775.21 The Florida Sexual Predators Act.—

605 (2) DEFINITIONS.—As used in this section, the term:

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606 (n) "Temporary residence" means a place where the person
607 abides, lodges, or resides, including, but not limited to,
608 vacation, business, or personal travel destinations in or out of
609 this state, for a period of 3 or more days in the aggregate
610 during any calendar year and which is not the person's permanent
611 address or, for a person whose permanent residence is not in
612 this state, a place where the person is employed, practices a
613 vocation, or is enrolled as a student for any period of time in
614 this state. Temporary residence also includes a place where a
615 person lodges in a vacation rental, as defined in s. 509.242,
616 for 24 hours or more.

617 (o) "Transient residence" means a county where a person
618 lives, remains, or is located for a period of 3 or more days in
619 the aggregate during a calendar year and which is not the
620 person's permanent or temporary address. The term includes, but
621 is not limited to, a place where the person sleeps or seeks
622 shelter and a location that has no specific street address.
623 Transient residence also includes a county where a person lodges
624 in a vacation rental, as defined in s. 509.242, for 24 hours or
625 more.

626 (6) REGISTRATION.—

627 (e)1. If the sexual predator is not in the custody or
628 control of, or under the supervision of, the Department of
629 Corrections or is not in the custody of a private correctional
630 facility, the sexual predator shall register in person:

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631 a. At the sheriff's office in the county where he or she
632 establishes or maintains a residence within 24 hours after
633 establishing or maintaining a temporary residence or transient
634 residence in a vacation rental or 48 hours after establishing or
635 maintaining any other a residence in this state; and

636 b. At the sheriff's office in the county where he or she
637 was designated a sexual predator by the court within 48 hours
638 after such finding is made.

639 2. Any change that occurs after the sexual predator
640 registers in person at the sheriff's office as provided in
641 subparagraph 1. in any of the following information related to
642 the sexual predator must be reported as provided in paragraphs
643 (g), (i), and (j): permanent, temporary, or transient residence;
644 name; vehicles owned; electronic mail addresses; Internet
645 identifiers and each Internet identifier's corresponding website
646 homepage or application software name; home and cellular
647 telephone numbers; employment information; and change in status
648 at an institution of higher education. When a sexual predator
649 registers with the sheriff's office, the sheriff shall take a
650 photograph, a set of fingerprints, and palm prints of the
651 predator and forward the photographs, palm prints, and
652 fingerprints to the department, along with the information that
653 the predator is required to provide pursuant to this section.

654 Section 20. Except as otherwise expressly provided in this
655 act, this act shall take effect upon becoming a law.

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

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to vacation rentals; amending s. 509.013, F.S.; defining the term "advertising platform"; amending s. 509.032, F.S.; conforming a cross-reference; preempting the regulation of vacation rentals and advertising platforms to the state; prohibiting a local law, ordinance, or regulation from allowing or requiring inspections or licensing of public lodging establishments, including vacation rentals, or public food service establishments; authorizing a local law, ordinance, or regulation to regulate certain activities under certain circumstances; expanding an exemption to allow certain ordinances adopted on or before June 1, 2011, to be amended to be less restrictive; preempting the regulation of advertising platforms to the state; amending s. 509.241, F.S.; requiring licenses issued by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to be displayed conspicuously to the public inside the licensed establishment; requiring the operator of

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681 certain vacation rentals to also display its vacation
682 rental license number and applicable tax account
683 numbers; creating s. 509.243, F.S.; requiring
684 advertising platforms to require that persons placing
685 advertisements for vacation rentals include certain
686 information in the advertisements; providing that
687 advertising platforms are required to verify such
688 information; requiring advertising platforms to
689 quarterly provide the division with certain
690 information regarding vacation rentals in this state
691 listed on the platforms; requiring advertising
692 platforms to remove an advertisement or listing under
693 certain conditions and within a specified timeframe;
694 requiring advertising platforms to collect and remit
695 taxes imposed under chs. 125 and 212, F.S., for
696 certain transactions; authorizing the Department of
697 Revenue to adopt rules; authorizing the division to
698 issue and deliver a notice to cease and desist for
699 certain violations; providing that such notice does
700 not constitute agency action for which a certain
701 hearing may be sought; authorizing the division to
702 file certain proceedings; authorizing the collection
703 of attorney fees and costs under certain
704 circumstances; requiring advertising platforms to
705 adopt an antidiscrimination policy and to inform users

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1011 (2020)

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706 of its services; amending s. 212.03, F.S.; requiring
707 advertising platforms to collect and remit taxes
708 imposed under chs. 125 and 212, F.S., for certain
709 transactions; amending ss. 159.27, 212.08, 316.1955,
710 404.056, 477.0135, 509.221, 553.5041, 705.17, 705.185,
711 717.1355, and 877.24, F.S.; conforming provisions to
712 changes made by the act; authorizing the department to
713 adopt emergency rules; providing requirements and an
714 expiration for such rules; amending s. 775.21, F.S.;
715 requiring sexual predators to register with the local
716 sheriff's office under certain circumstances;
717 providing effective dates.