



Florida lawmakers passed Senate Bill 280 during the 2024 legislative session, despite significant concerns by a variety of stakeholders, including REALTORS®.

The bill fails to strike a fair balance between the rights of private property owners to rent their property on a short-term basis and the ability of local governments to regulate these rentals. Short-term rentals should be regulated, but if Gov. Ron DeSantis signs this bill, that regulation would become a tool to discourage and limit short-term rentals throughout Florida.

Vetoing this bill will allow lawmakers and stakeholders more time to work together towards a better balance of private property rights and local government regulation of short-term rentals.

The following is a detailed analysis of the concerns of Florida Realtors® with Senate Bill 280:

1. The bill allows local governments to charge a “reasonable” fee for the processing of registration applications, yearly renewals, and inspections.

Without a defined limit on fees, there is no assurance that charges will remain reasonable, potentially leading to arbitrary or excessive fees being imposed on property owners. The absence of a clear definition of reasonable fees increases the risk of these fees being used to “tax” property owners who simply want to rent their property on a short-term basis.

2. The bill authorizes local governments to suspend registrations for material violations of local law, ordinance, or regulation that does not solely apply to vacation rentals, and the violation is directly related to the vacation rental premises.

Defining "material" is necessary for uniformity and to prevent bias in the enforcement of regulations. It ensures that local governments

suspend registrations only for significant violations of local laws, ordinances, or regulations that directly relate to the vacation rental premises, promoting fair and consistent treatment across all rental properties and preventing arbitrary or discriminatory actions.

- 3. The bill requires vacation rental owners to appeal a denial, suspension, or revocation of a vacation rental registration, or a refusal to renew such registration, to the circuit court. The appeal must be filed within 30 days after the denial, suspension, revocation, or refusal occurs. The court has the authority to assess and award reasonable attorney fees, costs, and damages to the prevailing party.**

The appeals process imposes significant burdens on property owners, as it demands considerable time and resources to fight a local government in court. There is also an inherent uncertainty surrounding appeal outcomes exacerbating stress and anxiety, particularly for those reliant on rental income for their livelihoods; moreover, the possibility of courts assessing attorney fees, costs, and damages to the prevailing party adds a layer of financial risk, potentially deterring them from engaging in the vacation rental market or contesting regulatory decisions.

- 4. The bill allows local governments to revoke or refuse to renew registrations under certain conditions, including multiple suspensions, unsatisfied liens, or final orders directing termination of premises' use as a vacation rental.**

Renters need to be notified of changes in the registration status of a vacation rental to ensure transparency and fairness in their rental agreements. Notification allows renters to be aware of any potential risks or issues that may affect their booking or stay, such as the possibility of a rental registration being suspended or revoked. This information empowers renters to make informed decisions about their accommodations and protects their rights as consumers.

- 5. The bill states that the maximum overnight occupancy of the vacation rental is determined by accommodating either two persons per bedroom plus two additional persons in a common area, or allowing more than two persons per bedroom if there is**

at least 50 square feet per person, with two additional persons permitted in a common area, whichever results in a greater capacity.

While this is intended to limit the already prohibited “party houses”, this provision may inadvertently dissuade families from choosing Florida as their vacation destination. By limiting occupancy to two persons per bedroom plus two additional persons in a common area, multi-family groups could struggle to find accommodations that comfortably fit everyone, potentially leading to increased costs for tourists and limited availability during peak seasons. The bill's restrictions on occupancy limits may not align with the preferences and needs of families, potentially leading them to consider alternative vacation destinations.

6. The bill will have a significant negative impact on the health and vitality of Florida’s tourism and vacation rental industries.

Florida's tourism industry is a major driver of the state's economy, consistently attracting unprecedented numbers of visitors annually. Limiting vacation rentals in Florida would prove detrimental from both a tourism and economic standpoint. According to a 2018 study by the University of Central Florida’s Rosen College of Hospitality Management¹, tourists overwhelmingly prefer vacation rentals due to their affordability, convenience, and privacy. With 70% of tourists originating from the United States and 72% coming from outside of Florida, these rentals cater to a diverse demographic, attracting visitors who stay an average of nearly seven nights during peak travel months. Notably, 84% of the tourist respondents also indicated that they are likely to return to Florida and 85% would like to stay in a vacation rental home again, indicating high satisfaction levels with their vacation rental experiences.

Economic analysis also underscores the significance of vacation rentals, which contributed \$27.4 billion to Florida's economy in 2018 alone. That year, the industry also sustained around 115,000 jobs, offering a vital source of employment for many Floridians. By allowing for a limitation on vacation rentals, not only would tourists be deprived of their preferred accommodation choice, but the livelihoods of

¹ <https://stars.library.ucf.edu/cgi/viewcontent.cgi?article=1079&context=dickpope-pubs>

vacation rental owners and the broader economy would also be in jeopardy.

Rather than imposing restrictions, exploring options such as implementing reasonable regulations to address local concerns while still allowing the industry to thrive would be a more balanced approach, ensuring both vacation rental owners and local governments can benefit from Florida's vacation rental market.