



Executive Order 20-87 Update

On March 27, Governor Ron DeSantis issued Executive Order 20-87. This declaration ordered all parties engaged in the operation of vacation rental properties to suspend their business. Under the order, all vacation rentals are prohibited from making new reservations or accepting any check-ins for the duration of the order.

The order includes an exemption for hotels, motels, inns, resorts, non-transient public lodging establishments, timeshares and long term rentals. In addition, there is an exemption for rentals previously booked for a scheduled check-in no later than March 28, 2020, and rentals to persons performing military, emergency, governmental, health or infrastructure response, or travelers engaged in non-vacation commercial activities.

The order is set to expire in 14 days unless it is extended by a subsequent executive order issued by the governor.

How is vacation rental defined in the order?

The order cites the definition in Florida Statutes 509.242 (1)(c):

Vacation rental— A vacation rental is any unit or group of units in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is also a transient public lodging establishment but that is not a timeshare project.

What is a transient public lodging establishment?

According to Florida Statutes 509.013(4)(a):

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

Are there any exemptions?

The order includes an exemption for hotels, motels, inns, resorts, non-transient public lodging establishments, timeshares and long term rentals. In addition, there is an exemption for rentals previously booked for a scheduled check-in no later than March 28, 2020, and rentals to persons performing military, emergency, governmental, health or infrastructure response, or travelers engaged in non-vacation commercial activities.

How will violators be punished?

Under the Executive Order, the Department of Business and Professional Regulation (DBPR) can revoke a vacation rental license and violators may be charged with a second-degree misdemeanor, punishable as provided in Florida Statutes 775.082 or 775.083.

How does this order impact the apartment industry?

Apartment communities that have units within their properties that meet the definition of a vacation rental as defined in Florida Statutes 509.242 (1)(c) and transient public lodging establishment as defined by Florida Statutes 509.013(4)(a) are required to comply with Executive Order 20-87.

Apartment communities with units that meet the definitions above are encouraged to seek legal counsel to ensure policies and procedures are revised to comply with Executive Order 20-87.