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TO: Bobby Cornwell
FROM: David Eastman
RE: Governor's Executive Order 20-87
DATE: March 28.2020

Governor Ron DeSantis issued Executive Order 20-87 which ordered the “suspension of vacation rental operations”. The Executive Order defines vacation rentals as defined in section 509.242(1)(c), Florida Statutes, see below:

509.242 Public lodging establishments; classifications.—

(1) A public lodging establishment shall be classified as a hotel, motel, nontransient apartment, transient apartment, bed and breakfast inn, timeshare project, or vacation rental if the establishment satisfies the following criteria:

(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.

The Order also includes the rental of any “dwelling unit that is also a transient public lodging establishment as defined in section 509.013(4)(a), Florida Statues, see below,

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

(4)(a) “Public lodging establishment” includes a transient public lodging establishment as defined in subparagraph 1. and a nontransient public lodging establishment as defined in subparagraph 2.

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

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

Based on a reading of the statutes cited, this Executive Order does not bar RV Parks regulated under Chapter 513 from continuing to offer spaces or RV cabins and park trailers for rent.

The intent of the Order appears to be to prevent infection from transient rentals where the occupancy of the rooms change frequently. In RV occupancy, there is not the sharing of living space from one occupant to the next. However, cabins and park trailer rentals do appear to meet the intent of the Executive Order for “suspension of vacation rental operations” due to the nature of the rentals involved.

Our members should also note that the Order does not bar long term rentals, those rentals where persons are scheduled to check in by March 28, 2020, or long term rentals. It would be wise to maintain a log of the rentals, the identity of the persons renting, the length of stay and where they were traveling from and to.

Our members should govern their operations in this area carefully. The Executive Order is based on regulation by the Department of Business and Professional Regulation in a public health emergency and will likely be construed against an establishment that is considered a vacation rental.