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## SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: March 23, 1998 Revised: \_\_\_\_\_

Subject: Public Food Service and Lodging Establishments

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Schmeling</u>	<u>Austin</u>	<u>CM</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>WM</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

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### I. Summary:

This committee substitute changes the date in which the Division of Hotels and Restaurants of the Department of Business and Professional Regulation (division) must submit a report relating to food service inspections to the Governor, reduces, from 90 to 45 days, the period of time in which certain unclaimed property left in a public food service or lodging establishment must be held by the establishment, and revises requirements for publishing advertisements relating to rates charged at public lodging establishments renting by the day or week.

This committee substitute amends ss. 509.32, 509.191 and 509.201, Florida Statutes.

### II. Present Situation:

Section 509.032, F.S., charges the division with responsibility and jurisdiction for all inspections required by ch. 509, F.S., which includes public food service establishments and public lodging establishments. Furthermore, the division is required to submit to the Governor a written report at the end of each fiscal year which includes the total number of inspections conducted by the division, the total number of inspections conducted in response to emergency or epidemiological conditions, the number of violations of each sanitary standard, and any recommendations for improved inspection procedures. Because the information contained in this report is collected through June 31 of each fiscal year, this requirement is virtually unworkable, providing no time in which the division may compile the report.

Section 509.191, F.S., provides that any property with an identifiable owner which is left in a public lodging establishment or public food service establishment, other than property belonging to a guest who has vacated the premises without notice to the operator and with an outstanding

account, which property remains unclaimed after being held by the establishment for 90 days after written notice to the guest or owner of the property, becomes the property of the establishment.

Section 509.201, F.S., requires each public lodging establishment, renting by the day or week, to post in a conspicuous place in each rental unit, the rates at which each such unit is rented. The posting must show the maximum amount charged for occupancy per person, the amount charged for extra conveniences, more complete accommodations, or additional furnishings, and the dates during the year when such charges prevail. This section additionally requires any published advertisement relating to rates charged by a public lodging establishment, other than signs seen from a street, to include in letters or figures immediately adjacent to said rate, a statement as to whether the rates quoted are for single or multiple occupancy if such fact affects the rates charged, the number of rental units in the establishment available at the published rates, the dates during which such rates are in effect, and an indication as to whether there are other rates in effect in the establishment. The advertised rate in each instance must coincide with the rates posted in such rental units.

### **III. Effect of Proposed Changes:**

**Section 1** amends s. 509.032, F.S., to require the report under this section to be submitted to the Governor by September 30 following the end of the fiscal year.

**Section 2** amends s. 509.191, F.S., to decrease from 90 to 45 days the amount of time a public food service establishment or public lodging establishment must hold unclaimed property, before ownership is transferred to the establishment.

**Section 3** amends s. 509.201, F.S., removing the requirement that each published advertisement relating to rates for public lodging establishments contain the number of rental units available at the published rates and that these advertised rates coincide with the rates posted in applicable rental units. This section does however, require that if the number of rental units in the establishment at the advertised rate is limited, the advertisement must contain a phone number to verify availability.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Public lodging establishments may experience a decrease in costs when the posting of published advertised room rates, in each applicable rental unit, is not required.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.