

By the Committee on Commerce and Economic Opportunities and
Senator Dudley

310-1841-98

1 A bill to be entitled
2 An act relating to public lodging
3 establishments; amending s. 509.32, F.S.;
4 changing the date of submission of an annual
5 report to the Governor by the Division of
6 Hotels and Restaurants of the Department of
7 Business Regulation; amending s. 509.191, F.S.;
8 reducing the period of time in which certain
9 unclaimed property left in a public lodging or
10 public food service establishment must be held
11 by the establishment; amending s. 509.201,
12 F.S.; revising requirements for publishing
13 advertisements relating to rates charged at
14 specified public lodging establishments;
15 providing an effective date.

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17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Subsection (5) of section 509.032, Florida
20 Statutes, is amended to read:

21 509.032 Duties.--

22 (5) REPORTS REQUIRED.--The division shall send the
23 Governor a written report ~~at the end of each fiscal year,~~
24 which ~~report~~ shall state, but not be limited to, the total
25 number of inspections conducted by the division to ensure the
26 enforcement of sanitary standards, the total number of
27 inspections conducted in response to emergency or
28 epidemiological conditions, the number of violations of each
29 sanitary standard, and any recommendations for improved
30 inspection procedures. The division shall also keep accurate
31 account of all expenses arising out of the performance of its

1 duties and all fees collected under this chapter. The report
2 shall be submitted by September 30 following the end of the
3 fiscal year.

4 Section 2. Section 509.191, Florida Statutes, is
5 amended to read:

6 509.191 Unclaimed property.--Any property with an
7 identifiable owner which is left in a public lodging
8 establishment or public food service establishment, other than
9 property belonging to a guest who has vacated the premises
10 without notice to the operator and with an outstanding
11 account, which property remains unclaimed after being held by
12 the establishment for 45 ~~90~~ days after written notice to the
13 guest or owner of the property, shall become the property of
14 the establishment. Property without an identifiable owner
15 which is found in a public lodging establishment or public
16 food service establishment is subject to the provisions of
17 chapter 705.

18 Section 3. Subsection (2) of section 509.201, Florida
19 Statutes, is amended to read:

20 509.201 Room rates; posting; advertising; penalties.--

21 (2)(a) A person may not display or cause to be
22 displayed any sign which may be seen from a public highway or
23 street, which sign includes a statement or numbers relating to
24 the rates charged at a public lodging establishment renting by
25 the day or week, unless such sign includes, in letters and
26 figures of similar size and prominence, the following
27 information: the number of rental units in the establishment
28 and the rates charged for each, whether the rates quoted are
29 for single or multiple occupancy if such fact affects the rate
30 charged, and the dates during which such rates are in effect.
31 In each instance the rates charged may not exceed those filed

1 with the division. A sign may not be displayed which includes
2 a statement or numbers which appear to relate to the rate
3 charged at a public lodging establishment when in fact the
4 statement or numbers do not relate to such rates.

5 (b) A person may not publish or cause to be published
6 any advertisement, other than those referred to in paragraph
7 (a), which includes a statement or numbers relating to rates
8 charged at a public lodging establishment renting by the day
9 or week unless such advertisement includes, in letters or
10 figures immediately adjacent to said rate, a statement as to
11 whether the rates quoted are for single or multiple occupancy
12 if such fact affects the rates charged. Any such
13 advertisement shall also include the ~~number of rental units in~~
14 ~~the establishment available at the published rates, the dates~~
15 during which such rates are in effect, ~~and~~ an indication as to
16 whether there are other rates in effect in the establishment,
17 and, in the event the number of rental units in the
18 establishment at the advertised rate is limited, the
19 advertisement shall include a phone number to verify
20 availability. The advertised rate in each instance ~~shall~~
21 ~~coincide with the rates posted in such rental units and~~ may
22 not exceed those filed for such units with the division. For
23 any such advertisement, the type size of the required
24 additional information may not be smaller than one-twelfth of
25 the size of the rate figures advertised or equal to the type
26 size used in the body of the advertisement, whichever is
27 larger. The requirements of this paragraph apply to any type
28 of display advertisement, regardless of whether it is printed
29 in a magazine, newspaper, or other similar publication.

30 (c) The provisions of paragraph (b) do not apply to
31 advertisements or listings in guides or directories which are

1 published by nonprofit organizations or associations or to
2 advertisements of a classified nature placed in the classified
3 section of newspapers and other similar publications.

4 (d) An advertisement may not be published that
5 contains false or misleading statements about any public
6 lodging establishment.

7 (3) Any operator of any public lodging establishment
8 who violates, or causes to be violated, any of the provisions
9 of this section is guilty of a misdemeanor of the second
10 degree, punishable as provided in s. 775.082 or s. 775.083.
11 In addition to the criminal penalty, the license of any public
12 lodging establishment may be suspended or revoked by the
13 division, or the division may impose fines on the licensee, in
14 accordance with the provisions of s. 509.261, when the
15 operator of such establishment is determined by the division
16 to have violated any provision of this section. It is not
17 necessary that the offender be convicted of violating this
18 section as a condition precedent to the suspension or
19 revocation of such license or the imposition of a civil
20 penalty by the division.

21 (4) Subsection (1) and paragraphs (a), (b), and (c) of
22 subsection (2) do not apply to any facility or unit classified
23 as a resort condominium, nontransient apartment, or resort
24 dwelling as described in s. 509.242(1)(c), (d), and (g).

25 Section 4. This act shall take effect upon becoming a
26 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1934

This committee substitute 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.