

By Representative R. Diaz de la Portilla

1 A bill to be entitled
 2 An act relating to public lodging
 3 establishments; creating s. 509.2017, F.S.;
 4 authorizing a public lodging establishment that
 5 provides accommodations to evacuees during a
 6 declared state of emergency or an ordered
 7 evacuation to charge an emergency rate during a
 8 specified period following the state of
 9 emergency or evacuation; providing for
 10 calculating the emergency rate; authorizing the
 11 Department of Business and Professional
 12 Regulation to grant certain variances to the
 13 emergency rate; prohibiting a public lodging
 14 establishment from imposing a minimum stay for
 15 a specified period following a state of
 16 emergency or evacuation; providing penalties;
 17 requiring that the Department of Business and
 18 Professional Regulation adopt rules; providing
 19 an effective date.

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

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 23 Section 1. Section 509.2017, Florida Statutes, is
 24 created to read:

25 509.2017 Room rates and minimum stays during a
 26 declared state of emergency or an ordered evacuation.--

27 (1) During the 7 days immediately following the
 28 declaration of a state of emergency by the Governor or an
 29 evacuation ordered by the state or Federal Government, a
 30 public lodging establishment that provides accommodations to

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1 evacuees from the affected area may charge an emergency rate
2 in lieu of the rate posted as provided in s. 509.201.

3 (a) The maximum emergency rate charged by a transient
4 public lodging establishment may not exceed by more than 10
5 percent the average daily rate charged for the rented unit
6 during the 7 days preceding the initial date of the declared
7 state of emergency or the evacuation. As used in this
8 paragraph, the term "average daily rate" includes all
9 discounted rates, reduced rates, or special rates charged to
10 the public during the 7 days preceding the initial date of the
11 declared state of emergency or evacuation.

12 (b) The maximum emergency rate charged by a
13 nontransient public lodging establishment may not exceed by
14 more than 10 percent the usual monthly rental rate for the
15 rented unit, prorated to a daily rate.

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17 The Department of Business and Professional Regulation may
18 grant a variance in the method of calculating emergency rates,
19 as defined by rule, upon a demonstration of need by the
20 establishment.

21 (2) During the 7 days immediately following a declared
22 state of emergency or ordered evacuation, a public lodging
23 establishment that provides accommodations to evacuees from
24 the affected area may not impose a minimum stay of two or more
25 days.

26 (3) Any public lodging establishment that violates
27 this section is subject to the penalties provided in s.
28 509.261. In addition, the department may require the
29 establishment to refund to the evacuee any amount charged in
30 excess of the emergency rate.

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(4) The Department of Business and Professional Regulation shall adopt rules to administer this section.
Section 2. This act shall take effect July 1, 2000.

SENATE SUMMARY

Provides for public lodging establishments that provide accommodations to evacuees during a declared state of emergency or an ordered evacuation to charge an emergency rate for 7 days following the state of emergency or evacuation. Prohibits an emergency rate that exceeds 10 percent of the posted rate or usual monthly rental rate, prorated to a daily rate. Authorizes the Department of Business and Professional Regulation to grant a variance to the emergency rate upon a demonstration of need. Prohibits a public lodging establishment from imposing a minimum stay of 2 or more days during the 7 days following a state of emergency or evacuation. Provides penalties. Requires the Department of Business and Professional Regulation to adopt rules.