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LEGISLATIVE ACTION

Senate

House

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Floor: 1/AD/2R

05/05/2011 05:23 PM

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Senator Evers moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (b) of subsection (4) of section  
509.013, Florida Statutes, is amended to read:

(4)

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

1. Any dormitory or other living or sleeping facility  
maintained by a public or private school, college, or university  
for the use of students, faculty, or visitors;

2. Any facility certified or licensed and regulated by the



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14 Agency for Health Care Administration or the Department of  
15 Children and Family Services or other similar place regulated  
16 under s. 381.0072;

17 3. Any place renting four rental units or less, unless the  
18 rental units are advertised or held out to the public to be  
19 places that are regularly rented to transients;

20 4. Any unit or group of units in a condominium,  
21 cooperative, or timeshare plan and any individually or  
22 collectively owned one-family, two-family, three-family, or  
23 four-family dwelling house or dwelling unit that is rented for  
24 periods of at least 30 days or 1 calendar month, whichever is  
25 less, and that is not advertised or held out to the public as a  
26 place regularly rented for periods of less than 1 calendar  
27 month, provided that no more than four rental units within a  
28 single complex of buildings are available for rent;

29 5. Any migrant labor camp or residential migrant housing  
30 permitted by the Department of Health; under ss. 381.008-  
31 381.00895; ~~and~~

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

34 7. Any nonprofit organization that operates a facility  
35 providing housing only to patients, patients' families, and  
36 patients' caregivers and not to the general public.

37 Section 2. Paragraph (a) of subsection (2) and subsection  
38 (7) of section 509.032, Florida Statutes, are amended to read:  
39 509.032 Duties.—

40 (2) INSPECTION OF PREMISES.—

41 (a) The division has responsibility and jurisdiction for  
42 all inspections required by this chapter. The division has



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43 responsibility for quality assurance. Each licensed  
44 establishment shall be inspected at least biannually, except for  
45 transient and nontransient apartments, which shall be inspected  
46 at least annually, and shall be inspected at such other times as  
47 the division determines is necessary to ensure the public's  
48 health, safety, and welfare. The division shall establish a  
49 system to determine inspection frequency. Public lodging units  
50 classified as vacation rentals ~~resort condominiums or resort~~  
51 ~~dwellings~~ are not subject to this requirement, but shall be made  
52 available to the division upon request. If, during the  
53 inspection of a public lodging establishment classified for  
54 renting to transient or nontransient tenants, an inspector  
55 identifies vulnerable adults who appear to be victims of  
56 neglect, as defined in s. 415.102, or, in the case of a building  
57 that is not equipped with automatic sprinkler systems, tenants  
58 or clients who may be unable to self-preserve in an emergency,  
59 the division shall convene meetings with the following agencies  
60 as appropriate to the individual situation: the Department of  
61 Health, the Department of Elderly Affairs, the area agency on  
62 aging, the local fire marshal, the landlord and affected tenants  
63 and clients, and other relevant organizations, to develop a plan  
64 which improves the prospects for safety of affected residents  
65 and, if necessary, identifies alternative living arrangements  
66 such as facilities licensed under part II of chapter 400 or  
67 under chapter 429.

68 (7) PREEMPTION AUTHORITY.—

69 (a) The regulation of public lodging establishments and  
70 public food service establishments, including, but not limited  
71 to, ~~the inspection of public lodging establishments and public~~



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72 ~~food service establishments for compliance with the sanitation~~  
73 ~~standards, inspections, adopted under this section, and the~~  
74 ~~regulation of food safety protection standards for required~~  
75 ~~training and testing of food service establishment personnel,~~  
76 ~~and matters related to the nutritional content and marketing of~~  
77 ~~foods offered in such establishments, is are preempted to the~~  
78 ~~state. This paragraph subsection does not preempt the authority~~  
79 ~~of a local government or local enforcement district to conduct~~  
80 ~~inspections of public lodging and public food service~~  
81 ~~establishments for compliance with the Florida Building Code and~~  
82 ~~the Florida Fire Prevention Code, pursuant to ss. 553.80 and~~  
83 ~~633.022.~~

84 (b) A local law, ordinance, or regulation may not restrict  
85 the use of vacation rentals, prohibit vacation rentals, or  
86 regulate vacation rentals based solely on their classification,  
87 use, or occupancy. This paragraph does not apply to any local  
88 law, ordinance, or regulation adopted on or before June 1, 2011.

89 (c) Paragraph (b) does not apply to any local law,  
90 ordinance, or regulation exclusively relating to property  
91 valuation as a criterion for vacation rental if the local law,  
92 ordinance, or regulation is required to be approved by the  
93 Department of Community Affairs pursuant to an area of critical  
94 state concern designation.

95 Section 3. Subsection (9) of section 509.221, Florida  
96 Statutes, is amended to read:

97 509.221 Sanitary regulations.—

98 (9) Subsections (2), (5), and (6) do not apply to any  
99 facility or unit classified as a vacation rental or resort  
100 ~~condominium, nontransient apartment, or resort dwelling~~ as



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101 described in s. 509.242(1)(c) and, (d), ~~and (g)~~.

102 Section 4. Subsection (2) of section 509.241, Florida  
103 Statutes, is amended to read:

104 509.241 Licenses required; exceptions.—

105 (2) APPLICATION FOR LICENSE.—Each person who plans to open  
106 a public lodging establishment or a public food service  
107 establishment shall apply for and receive a license from the  
108 division prior to the commencement of operation. A condominium  
109 association, as defined in s. 718.103, which does not own any  
110 units classified as vacation rentals ~~resort condominiums~~ under  
111 s. 509.242(1)(c) is ~~shall~~ not be required to apply for or  
112 receive a public lodging establishment license.

113 Section 5. Subsection (1) of section 509.242, Florida  
114 Statutes, is amended to read:

115 509.242 Public lodging establishments; classifications.—

116 (1) A public lodging establishment shall be classified as a  
117 hotel, motel, ~~resort condominium~~, nontransient apartment,  
118 transient apartment, roominghouse, bed and breakfast inn, or  
119 vacation rental ~~resort dwelling~~ if the establishment satisfies  
120 the following criteria:

121 (a) *Hotel*.—A hotel is any public lodging establishment  
122 containing sleeping room accommodations for 25 or more guests  
123 and providing the services generally provided by a hotel and  
124 recognized as a hotel in the community in which it is situated  
125 or by the industry.

126 (b) *Motel*.—A motel is any public lodging establishment  
127 which offers rental units with an exit to the outside of each  
128 rental unit, daily or weekly rates, offstreet parking for each  
129 unit, a central office on the property with specified hours of



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130 operation, a bathroom or connecting bathroom for each rental  
131 unit, and at least six rental units, and which is recognized as  
132 a motel in the community in which it is situated or by the  
133 industry.

134 (c) Vacation rental ~~Resort condominium~~.—A vacation rental  
135 ~~resort condominium~~ is any unit or group of units in a  
136 condominium, cooperative, or timeshare plan or any individually  
137 or collectively owned single-family, two-family, or four-family  
138 house or dwelling unit that is also a transient public lodging  
139 establishment ~~which is rented more than three times in a~~  
140 ~~calendar year for periods of less than 30 days or 1 calendar~~  
141 ~~month, whichever is less, or which is advertised or held out to~~  
142 ~~the public as a place regularly rented for periods of less than~~  
143 ~~30 days or 1 calendar month, whichever is less.~~

144 (d) Nontransient apartment or roominghouse.—A nontransient  
145 apartment or roominghouse is a building or complex of buildings  
146 in which 75 percent or more of the units are available for rent  
147 to nontransient tenants.

148 (e) Transient apartment or roominghouse.—A transient  
149 apartment or roominghouse is a building or complex of buildings  
150 in which more than 25 percent of the units are advertised or  
151 held out to the public as available for transient occupancy.

152 (f) Roominghouse.—A roominghouse is any public lodging  
153 establishment that may not be classified as a hotel, motel,  
154 ~~resort condominium~~, nontransient apartment, bed and breakfast  
155 inn, vacation rental, or transient apartment under this section.  
156 A roominghouse includes, but is not limited to, a boardinghouse.

157 (g) ~~Resort dwelling~~.—A ~~resort dwelling~~ is any individually  
158 ~~or collectively owned one-family, two-family, three-family, or~~



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159 ~~four family dwelling house or dwelling unit which is rented more~~  
160 ~~than three times in a calendar year for periods of less than 30~~  
161 ~~days or 1 calendar month, whichever is less, or which is~~  
162 ~~advertised or held out to the public as a place regularly rented~~  
163 ~~for periods of less than 30 days or 1 calendar month, whichever~~  
164 ~~is less.~~

165 (g) ~~(h)~~ *Bed and breakfast inn.*—A bed and breakfast inn is a  
166 family home structure, with no more than 15 sleeping rooms,  
167 which has been modified to serve as a transient public lodging  
168 establishment, which provides the accommodation and meal  
169 services generally offered by a bed and breakfast inn, and which  
170 is recognized as a bed and breakfast inn in the community in  
171 which it is situated or by the hospitality industry.

172 Section 6. Subsection (1) of section 509.251, Florida  
173 Statutes, is amended to read:

174 509.251 License fees.—

175 (1) The division shall adopt, by rule, a schedule of fees  
176 to be paid by each public lodging establishment as a  
177 prerequisite to issuance or renewal of a license. Such fees  
178 shall be based on the number of rental units in the  
179 establishment. The aggregate fee per establishment charged any  
180 public lodging establishment shall not exceed \$1,000; however,  
181 the fees described in paragraphs (a) and (b) may not be included  
182 as part of the aggregate fee subject to this cap. Vacation  
183 rental ~~Resort condominium~~ units within separate buildings or at  
184 separate locations but managed by one licensed agent may be  
185 combined in a single license application, and the division shall  
186 charge a license fee as if all units in the application are in a  
187 single licensed establishment. ~~Resort dwelling units may be~~



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188 ~~licensed in the same manner as condominium units.~~ The fee  
189 schedule shall require an establishment which applies for an  
190 initial license to pay the full license fee if application is  
191 made during the annual renewal period or more than 6 months  
192 prior to the next such renewal period and one-half of the fee if  
193 application is made 6 months or less prior to such period. The  
194 fee schedule shall include fees collected for the purpose of  
195 funding the Hospitality Education Program, pursuant to s.  
196 509.302, which are payable in full for each application  
197 regardless of when the application is submitted.

198 (a) Upon making initial application or an application for  
199 change of ownership, the applicant shall pay to the division a  
200 fee as prescribed by rule, not to exceed \$50, in addition to any  
201 other fees required by law, which shall cover all costs  
202 associated with initiating regulation of the establishment.

203 (b) A license renewal filed with the division within 30  
204 days after the expiration date shall be accompanied by a  
205 delinquent fee as prescribed by rule, not to exceed \$50, in  
206 addition to the renewal fee and any other fees required by law.  
207 A license renewal filed with the division more than 30 but not  
208 more than 60 days after the expiration date shall be accompanied  
209 by a delinquent fee as prescribed by rule, not to exceed \$100,  
210 in addition to the renewal fee and any other fees required by  
211 law.

212 Section 7. Subsection (1) of section 509.261, Florida  
213 Statutes, is amended to read:

214 509.261 Revocation or suspension of licenses; fines;  
215 procedure.—

216 (1) Any public lodging establishment or public food service





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217 establishment that has operated or is operating in violation of  
218 this chapter or the rules of the division, operating without a  
219 license, or operating with a suspended or revoked license may be  
220 subject by the division to:

221 (a) Fines not to exceed \$1,000 per offense;

222 (b) Mandatory completion attendance, at personal expense,  
223 of a remedial at an educational program administered sponsored  
224 by a food safety training program provider approved by the  
225 division, as provided in s. 509.049 the Hospitality Education  
226 Program; and

227 (c) The suspension, revocation, or refusal of a license  
228 issued pursuant to this chapter.

229 Section 8. Subsection (1) of section 509.291, Florida  
230 Statutes, is amended to read:

231 509.291 Advisory council.—

232 (1) There is created a 10-member advisory council.

233 (a) The Secretary of Business and Professional Regulation  
234 shall appoint six seven voting members to the advisory council.  
235 Each member appointed by the secretary must be an operator of an  
236 establishment licensed under this chapter and shall represent  
237 the industries regulated by the division, except that one member  
238 appointed by the secretary must be a layperson representing the  
239 general public and one member must be a hospitality education  
240 administrator from an institution of higher education of this  
241 state. Such members of the council shall serve staggered terms  
242 of 4 years.

243 (b) The Florida Restaurant and Lodging Association shall  
244 designate one representative to serve as a voting member of the  
245 council. The Florida Vacation Rental Managers Association shall



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246 designate one representative to serve as a voting member of the  
247 council. The Florida Apartment Association and the Florida  
248 Association of Realtors shall each designate one representative  
249 to serve as a voting member of the council.

250 (c) Any member who fails to attend three consecutive  
251 council meetings without good cause may be removed from the  
252 council by the secretary.

253 Section 9. Paragraph (c) of subsection (8) of section  
254 381.008, Florida Statutes, is amended to read:

255 381.008 Definitions of terms used in ss. 381.008-  
256 381.00897.—As used in ss. 381.008-381.00897, the following words  
257 and phrases mean:

258 (8) "Residential migrant housing"—A building, structure,  
259 mobile home, barracks, or dormitory, and any combination thereof  
260 on adjacent property which is under the same ownership,  
261 management, or control, and the land appertaining thereto, that  
262 is rented or reserved for occupancy by five or more seasonal or  
263 migrant farmworkers, except:

264 (c) A hotel, or motel, or resort condominium, as described  
265 ~~defined~~ in chapter 509, that is furnished for transient  
266 occupancy.

267 Section 10. Subsection (4) of section 386.203, Florida  
268 Statutes, is amended to read:

269 386.203 Definitions.—As used in this part:

270 (4) "Designated smoking guest rooms at public lodging  
271 establishments" means the sleeping rooms and directly associated  
272 private areas, such as bathrooms, living rooms, and kitchen  
273 areas, if any, rented to guests for their exclusive transient  
274 occupancy in public lodging establishments, including hotels,



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275 motels, vacation rentals ~~resort condominiums~~, transient  
276 apartments, transient lodging establishments, rooming houses,  
277 boarding houses, ~~resort dwellings~~, bed and breakfast inns, and  
278 the like; and designated by the person or persons having  
279 management authority over such public lodging establishment as  
280 rooms in which smoking may be permitted.

281 Section 11. Sections 11 through 14 of this act may be cited  
282 as the "Tourist Safety Act of 2011."

283 Section 12. Section 509.144, Florida Statutes, is amended  
284 to read:

285 509.144 Prohibited handbill distribution in a public  
286 lodging establishment; penalties.—

287 (1) As used in this section, the term:

288 (a) "Handbill" means a flier, leaflet, pamphlet, or other  
289 written material that advertises, promotes, or informs persons  
290 about a person ~~an individual~~, business, company, or food service  
291 establishment, but does ~~shall~~ not include employee  
292 communications permissible under the National Labor Relations  
293 Act, other communications protected by the First Amendment to  
294 the United States Constitution, or communications about public  
295 health, safety, or welfare distributed by a federal, state, or  
296 local governmental entity or a public or private utility.

297 (b) "Without permission" means without the expressed  
298 written ~~or oral~~ permission of the owner, manager, or agent of  
299 the owner or manager of the public lodging establishment where a  
300 sign is posted prohibiting advertising or solicitation in the  
301 manner provided in subsection (5) ~~(4)~~.

302 (c) "At or in a public lodging establishment" means any  
303 property under the sole ownership or control of a public lodging



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304 establishment.

305 (2) Any person ~~individual~~, agent, contractor, or volunteer  
306 who is acting on behalf of a person ~~an individual~~, business,  
307 company, or food service establishment and who, without  
308 permission, delivers, distributes, or places, or attempts to  
309 deliver, distribute, or place, a handbill at or in a public  
310 lodging establishment commits a misdemeanor of the first degree,  
311 punishable as provided in s. 775.082 or s. 775.083.

312 (3) Any person who, without permission, directs another  
313 person to deliver, distribute, or place, or attempts to deliver,  
314 distribute, or place, a handbill at or in a public lodging  
315 establishment commits a misdemeanor of the first degree,  
316 punishable as provided in s. 775.082 or s. 775.083. Any person  
317 sentenced under this subsection shall be ordered to pay a  
318 minimum fine of \$500 in addition to any other penalty imposed by  
319 the court.

320 (4) In addition to any penalty imposed by the court, a  
321 person who violates subsection (2) or subsection (3):

322 (a) Shall pay a minimum fine of \$2,000 for a second  
323 violation.

324 (b) Shall pay a minimum fine of \$3,000 for a third or  
325 subsequent violation.

326 (5)~~(4)~~ For purposes of this section, a public lodging  
327 establishment that intends to prohibit advertising or  
328 solicitation, as described in this section, at or in such  
329 establishment must comply with the following requirements when  
330 posting a sign prohibiting such solicitation or advertising:

331 (a) There must appear prominently on any sign referred to  
332 in this subsection, in letters of not less than 2 inches in



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333 height, the terms "no advertising" or "no solicitation" or terms  
334 that indicate the same meaning.

335 (b) The sign must be posted conspicuously.

336 (c) If the main office of the public lodging establishment  
337 is immediately accessible by entering the office through a door  
338 from a street, parking lot, grounds, or other area outside such  
339 establishment, the sign must be placed on a part of the main  
340 office, such as a door or window, and the sign must face the  
341 street, parking lot, grounds, or other area outside such  
342 establishment.

343 (d) If the main office of the public lodging establishment  
344 is not immediately accessible by entering the office through a  
345 door from a street, parking lot, grounds, or other area outside  
346 such establishment, the sign must be placed in the immediate  
347 vicinity of the main entrance to such establishment, and the  
348 sign must face the street, parking lot, grounds, or other area  
349 outside such establishment.

350 (6) Any personal property, including, but not limited to,  
351 any vehicle, item, object, tool, device, weapon, machine, money,  
352 security, book, or record, that is used or attempted to be used  
353 as an instrumentality in the commission of, or in aiding and  
354 abetting in the commission of, a person's third or subsequent  
355 violation of this section, whether or not comprising an element  
356 of the offense, is subject to seizure and forfeiture under the  
357 Florida Contraband Forfeiture Act.

358 Section 13. Section 901.1503, Florida Statutes, is created  
359 to read:

360 901.1503 When notice to appear by officer without warrant  
361 is lawful.—A law enforcement officer may give a notice to appear



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362 to a person without a warrant when the officer has determined  
363 that he or she has probable cause to believe that a violation of  
364 s. 509.144 has been committed and the owner or manager of the  
365 public lodging establishment in which the violation occurred and  
366 one additional affiant sign an affidavit containing information  
367 that supports the officer's determination of probable cause.

368 Section 14. Paragraph (a) of subsection (2) of section  
369 932.701, Florida Statutes, is amended to read:

370 932.701 Short title; definitions.—

371 (2) As used in the Florida Contraband Forfeiture Act:

372 (a) "Contraband article" means:

373 1. Any controlled substance as defined in chapter 893 or  
374 any substance, device, paraphernalia, or currency or other means  
375 of exchange that was used, was attempted to be used, or was  
376 intended to be used in violation of any provision of chapter  
377 893, if the totality of the facts presented by the state is  
378 clearly sufficient to meet the state's burden of establishing  
379 probable cause to believe that a nexus exists between the  
380 article seized and the narcotics activity, whether or not the  
381 use of the contraband article can be traced to a specific  
382 narcotics transaction.

383 2. Any gambling paraphernalia, lottery tickets, money,  
384 currency, or other means of exchange which was used, was  
385 attempted, or intended to be used in violation of the gambling  
386 laws of the state.

387 3. Any equipment, liquid or solid, which was being used, is  
388 being used, was attempted to be used, or intended to be used in  
389 violation of the beverage or tobacco laws of the state.

390 4. Any motor fuel upon which the motor fuel tax has not



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391 been paid as required by law.

392         5. Any personal property, including, but not limited to,  
393 any vessel, aircraft, item, object, tool, substance, device,  
394 weapon, machine, vehicle of any kind, money, securities, books,  
395 records, research, negotiable instruments, or currency, which  
396 was used or was attempted to be used as an instrumentality in  
397 the commission of, or in aiding or abetting in the commission  
398 of, any felony, whether or not comprising an element of the  
399 felony, or which is acquired by proceeds obtained as a result of  
400 a violation of the Florida Contraband Forfeiture Act.

401         6. Any real property, including any right, title,  
402 leasehold, or other interest in the whole of any lot or tract of  
403 land, which was used, is being used, or was attempted to be used  
404 as an instrumentality in the commission of, or in aiding or  
405 abetting in the commission of, any felony, or which is acquired  
406 by proceeds obtained as a result of a violation of the Florida  
407 Contraband Forfeiture Act.

408         7. Any personal property, including, but not limited to,  
409 equipment, money, securities, books, records, research,  
410 negotiable instruments, currency, or any vessel, aircraft, item,  
411 object, tool, substance, device, weapon, machine, or vehicle of  
412 any kind in the possession of or belonging to any person who  
413 takes aquaculture products in violation of s. 812.014(2)(c).

414         8. Any motor vehicle offered for sale in violation of s.  
415 320.28.

416         9. Any motor vehicle used during the course of committing  
417 an offense in violation of s. 322.34(9)(a).

418         10. Any photograph, film, or other recorded image,  
419 including an image recorded on videotape, a compact disc,



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420 digital tape, or fixed disk, that is recorded in violation of s.  
421 810.145 and is possessed for the purpose of amusement,  
422 entertainment, sexual arousal, gratification, or profit, or for  
423 the purpose of degrading or abusing another person.

424 11. Any real property, including any right, title,  
425 leasehold, or other interest in the whole of any lot or tract of  
426 land, which is acquired by proceeds obtained as a result of  
427 Medicaid fraud under s. 409.920 or s. 409.9201; any personal  
428 property, including, but not limited to, equipment, money,  
429 securities, books, records, research, negotiable instruments, or  
430 currency; or any vessel, aircraft, item, object, tool,  
431 substance, device, weapon, machine, or vehicle of any kind in  
432 the possession of or belonging to any person which is acquired  
433 by proceeds obtained as a result of Medicaid fraud under s.  
434 409.920 or s. 409.9201.

435 12. Any personal property, including, but not limited to,  
436 any vehicle, item, object, tool, device, weapon, machine, money,  
437 security, book, or record, that is used or attempted to be used  
438 as an instrumentality in the commission of, or in aiding and  
439 abetting in the commission of, a person's third or subsequent  
440 violation of s. 509.144, whether or not comprising an element of  
441 the offense.

442 Section 15. The amendments made to ss. 509.144 and 932.701,  
443 Florida Statutes, and the creation of s. 901.1503, Florida  
444 Statutes, by this act do not affect or impede the provisions of  
445 s. 790.251, Florida Statutes, or any other protection or right  
446 guaranteed by the Second Amendment to the United States  
447 Constitution.

448 Section 16. This act shall take effect upon becoming a law.





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===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled  
An act relating to public lodging establishments and  
public food service establishments; amending s.  
509.013, F.S.; excluding nonprofit organizations  
providing certain housing from the definition of  
"public lodging establishment"; amending s. 509.032,  
F.S.; conforming provisions to changes made by the  
act; prohibiting local governments from regulating,  
restricting, or prohibiting vacation rentals based  
solely on their classification, use, or occupancy;  
providing exceptions; revising authority preempted to  
the state with regard to regulation of public lodging  
establishments and public food service establishments;  
amending ss. 509.221 and 509.241, F.S.; conforming  
provisions to changes made by the act; amending s.  
509.242, F.S.; providing that public lodging  
establishments formerly classified as resort  
condominiums and resort dwellings are classified as  
vacation rentals; defining the term "vacation rental";  
amending s. 509.251, F.S.; conforming provisions to  
changes made by the act; amending s. 509.261, F.S.;  
revising penalties for public lodging establishments  
and public food service establishments operating



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478 without a valid license; amending s. 509.291, F.S.;

479 revising membership of the advisory council of the

480 Division of Hotels and Restaurants of the Department

481 of Business and Professional Regulation; requiring the

482 Florida Vacation Rental Managers Association to

483 designate a member to serve on the advisory council;

484 amending ss. 381.008 and 386.203, F.S.; conforming

485 provisions to changes made by the act; providing a

486 short title; amending s. 509.144, F.S.; revising

487 definitions; providing additional penalties for the

488 offense of unlawfully distributing handbills in a

489 public lodging establishment; specifying that certain

490 items used in committing such offense are subject to

491 seizure and forfeiture under the Florida Contraband

492 Forfeiture Act; creating s. 901.1503, F.S.;

493 authorizing a law enforcement officer to give a notice

494 to appear to a person without a warrant when there is

495 probable cause to believe the person violated s.

496 509.144, F.S., and the owner or manager of the public

497 lodging establishment and one additional affiant sign

498 an affidavit containing information supporting the

499 determination of probable cause; amending s. 932.701,

500 F.S.; revising the definition of the term "contraband

501 article"; providing that specified portions of the act

502 do not affect or impede specified statutory provisions

503 or any protection or right guaranteed by the Second

504 Amendment to the United States Constitution; providing

505 an effective date.