

1                   A bill to be entitled  
2           An act relating to public lodging and food service  
3           establishments; providing a short title; amending s.  
4           509.144, F.S.; revising definitions; providing additional  
5           penalties for the offense of unlawfully distributing  
6           handbills in a public lodging establishment; specifying  
7           that certain items used in committing such offense are  
8           subject to seizure and forfeiture under the Florida  
9           Contraband Forfeiture Act; creating s. 901.1503, F.S.;  
10          authorizing a law enforcement officer to give a notice to  
11          appear to a person without a warrant when there is  
12          probable cause to believe the person violated s. 509.144,  
13          F.S., and the owner or manager of the public lodging  
14          establishment and one additional affiant sign an affidavit  
15          containing information supporting the determination of  
16          probable cause; amending s. 932.701, F.S.; revising the  
17          definition of the term "contraband article"; amending s.  
18          509.013, F.S.; excluding nonprofit organizations operating  
19          facilities providing certain housing from the definition  
20          of the term "public lodging establishment"; amending s.  
21          509.032, F.S.; conforming provisions to changes made by  
22          the act; revising authority preempted to the state with  
23          regard to regulation of public lodging establishments and  
24          public food service establishments; prohibiting local  
25          governments from regulating, restricting, or prohibiting  
26          vacation rentals based solely on their classification or  
27          use; providing an exception; amending ss. 509.221 and  
28          509.241, F.S.; conforming provisions to changes made by

29 | the act; amending s. 509.242, F.S.; providing that public  
 30 | lodging establishments formerly classified as resort  
 31 | condominiums and resort dwellings are classified as  
 32 | vacation rentals; defining the term "vacation rental";  
 33 | amending s. 509.251, F.S.; conforming provisions to  
 34 | changes made by the act; amending s. 509.261, F.S.;  
 35 | revising penalties for operating a public lodging  
 36 | establishment or public food service establishment without  
 37 | a valid license; amending s. 509.291, F.S.; revising  
 38 | membership of the advisory council of the Division of  
 39 | Hotels and Restaurants of the Department of Business and  
 40 | Professional Regulation; requiring the Florida Vacation  
 41 | Rental Managers Association to designate a member to serve  
 42 | on the advisory council; amending ss. 381.008 and 386.203,  
 43 | F.S.; conforming provisions to changes made by the act;  
 44 | providing that specified portions of this act do not  
 45 | affect or impede specified statutory provisions or any  
 46 | protection or right guaranteed by the Second Amendment to  
 47 | the United States Constitution; providing effective dates.

48 |  
 49 | Be It Enacted by the Legislature of the State of Florida:

50 |  
 51 | Section 1. This act may be cited as the "Tourist Safety  
 52 | Act of 2011."

53 | Section 2. Section 509.144, Florida Statutes, is amended  
 54 | to read:

55 | 509.144 Prohibited handbill distribution in a public  
 56 | lodging establishment; penalties.—

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

58 (a) "Handbill" means a flier, leaflet, pamphlet, or other  
 59 written material that advertises, promotes, or informs persons  
 60 about a person ~~an individual~~, business, company, or food service  
 61 establishment, but does ~~shall~~ not include employee  
 62 communications permissible under the National Labor Relations  
 63 Act, other communications protected by the First Amendment to  
 64 the United States Constitution, or communications that relate to  
 65 the public health, safety, or welfare that are distributed by a  
 66 federal, state, or local governmental entity or a public or  
 67 private utility.

68 (b) "Without permission" means without the expressed  
 69 written ~~or oral~~ permission of the owner, manager, or agent of  
 70 the owner or manager of the public lodging establishment where a  
 71 sign is posted prohibiting advertising or solicitation in the  
 72 manner provided in subsection (5) ~~(4)~~.

73 (c) "At or in a public lodging establishment" means any  
 74 property under the sole ownership or control of a public lodging  
 75 establishment.

76 (2) Any person ~~individual~~, agent, contractor, or volunteer  
 77 who is acting on behalf of a person ~~an individual~~, business,  
 78 company, or food service establishment and who, without  
 79 permission, delivers, distributes, or places, or attempts to  
 80 deliver, distribute, or place, a handbill at or in a public  
 81 lodging establishment commits a misdemeanor of the first degree,  
 82 punishable as provided in s. 775.082 or s. 775.083.

83 (3) Any person who, without permission, directs another  
 84 person to deliver, distribute, or place, or attempts to deliver,

85 distribute, or place, a handbill at or in a public lodging  
 86 establishment commits a misdemeanor of the first degree,  
 87 punishable as provided in s. 775.082 or s. 775.083. Any person  
 88 sentenced under this subsection shall be ordered to pay a  
 89 minimum fine of \$500 in addition to any other penalty imposed by  
 90 the court.

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

93 (a) A second time shall be ordered to pay a minimum fine  
 94 of \$2,000.

95 (b) A third or subsequent time shall be ordered to pay a  
 96 minimum fine of \$3,000.

97 ~~(5)-(4)~~ For purposes of this section, a public lodging  
 98 establishment that intends to prohibit advertising or  
 99 solicitation, as described in this section, at or in such  
 100 establishment must comply with the following requirements when  
 101 posting a sign prohibiting such solicitation or advertising:

102 (a) There must appear prominently on any sign referred to  
 103 in this subsection, in letters of not less than 2 inches in  
 104 height, the terms "no advertising" or "no solicitation" or terms  
 105 that indicate the same meaning.

106 (b) The sign must be posted conspicuously.

107 (c) If the main office of the public lodging establishment  
 108 is immediately accessible by entering the office through a door  
 109 from a street, parking lot, grounds, or other area outside such  
 110 establishment, the sign must be placed on a part of the main  
 111 office, such as a door or window, and the sign must face the  
 112 street, parking lot, grounds, or other area outside such

113 establishment.

114 (d) If the main office of the public lodging establishment  
115 is not immediately accessible by entering the office through a  
116 door from a street, parking lot, grounds, or other area outside  
117 such establishment, the sign must be placed in the immediate  
118 vicinity of the main entrance to such establishment, and the  
119 sign must face the street, parking lot, grounds, or other area  
120 outside such establishment.

121 (6) Any personal property, including, but not limited to,  
122 any vehicle of any kind, item, object, tool, device, weapon,  
123 machine, money, security, book, or record, that is used or  
124 attempted to be used as an instrumentality in the commission of,  
125 or in aiding and abetting in the commission of, a person's third  
126 or subsequent violation of this section, whether or not  
127 comprising an element of the offense, is subject to seizure and  
128 forfeiture under the Florida Contraband Forfeiture Act.

129 Section 3. Section 901.1503, Florida Statutes, is created  
130 to read:

131 901.1503 When notice to appear by officer without warrant  
132 is lawful.—A law enforcement officer may give a notice to appear  
133 to a person without a warrant when the officer has determined  
134 that he or she has probable cause to believe that a violation of  
135 s. 509.144 has been committed and the owner or manager of the  
136 public lodging establishment in which the violation occurred and  
137 one additional affiant sign an affidavit containing information  
138 that supports the officer's determination of probable cause.

139 Section 4. Paragraph (a) of subsection (2) of section  
140 932.701, Florida Statutes, is amended to read:

141 932.701 Short title; definitions.—

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

143 (a) "Contraband article" means:

144 1. Any controlled substance as defined in chapter 893 or  
 145 any substance, device, paraphernalia, or currency or other means  
 146 of exchange that was used, was attempted to be used, or was  
 147 intended to be used in violation of any provision of chapter  
 148 893, if the totality of the facts presented by the state is  
 149 clearly sufficient to meet the state's burden of establishing  
 150 probable cause to believe that a nexus exists between the  
 151 article seized and the narcotics activity, whether or not the  
 152 use of the contraband article can be traced to a specific  
 153 narcotics transaction.

154 2. Any gambling paraphernalia, lottery tickets, money,  
 155 currency, or other means of exchange which was used, was  
 156 attempted, or intended to be used in violation of the gambling  
 157 laws of the state.

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

161 4. Any motor fuel upon which the motor fuel tax has not  
 162 been paid as required by law.

163 5. Any personal property, including, but not limited to,  
 164 any vessel, aircraft, item, object, tool, substance, device,  
 165 weapon, machine, vehicle of any kind, money, securities, books,  
 166 records, research, negotiable instruments, or currency, which  
 167 was used or was attempted to be used as an instrumentality in  
 168 the commission of, or in aiding or abetting in the commission

169 of, any felony, whether or not comprising an element of the  
 170 felony, or which is acquired by proceeds obtained as a result of  
 171 a violation of the Florida Contraband Forfeiture Act.

172 6. Any real property, including any right, title,  
 173 leasehold, or other interest in the whole of any lot or tract of  
 174 land, which was used, is being used, or was attempted to be used  
 175 as an instrumentality in the commission of, or in aiding or  
 176 abetting in the commission of, any felony, or which is acquired  
 177 by proceeds obtained as a result of a violation of the Florida  
 178 Contraband Forfeiture Act.

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

185 8. Any motor vehicle offered for sale in violation of s.  
 186 320.28.

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

189 10. Any photograph, film, or other recorded image,  
 190 including an image recorded on videotape, a compact disc,  
 191 digital tape, or fixed disk, that is recorded in violation of s.  
 192 810.145 and is possessed for the purpose of amusement,  
 193 entertainment, sexual arousal, gratification, or profit, or for  
 194 the purpose of degrading or abusing another person.

195 11. Any real property, including any right, title,  
 196 leasehold, or other interest in the whole of any lot or tract of

197 land, which is acquired by proceeds obtained as a result of  
 198 Medicaid fraud under s. 409.920 or s. 409.9201; any personal  
 199 property, including, but not limited to, equipment, money,  
 200 securities, books, records, research, negotiable instruments, or  
 201 currency; or any vessel, aircraft, item, object, tool,  
 202 substance, device, weapon, machine, or vehicle of any kind in  
 203 the possession of or belonging to any person which is acquired  
 204 by proceeds obtained as a result of Medicaid fraud under s.  
 205 409.920 or s. 409.9201.

206 12. Any personal property, including, but not limited to,  
 207 any vehicle of any kind, item, object, tool, device, weapon,  
 208 machine, money, security, book, or record, that is used or  
 209 attempted to be used as an instrumentality in the commission of,  
 210 or in aiding and abetting in the commission of, a person's third  
 211 or subsequent violation of s. 509.144, whether or not comprising  
 212 an element of the offense.

213 Section 5. Paragraph (b) of subsection (4) of section  
 214 509.013, Florida Statutes, is amended to read:

215 509.013 Definitions.—As used in this chapter, the term:

216 (4)

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

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

222 2. Any facility certified or licensed and regulated by the  
 223 Agency for Health Care Administration or the Department of  
 224 Children and Family Services or other similar place regulated



225 | under s. 381.0072;

226 |       3. Any place renting four rental units or less, unless the  
227 | rental units are advertised or held out to the public to be  
228 | places that are regularly rented to transients;

229 |       4. Any unit or group of units in a condominium,  
230 | cooperative, or timeshare plan and any individually or  
231 | collectively owned one-family, two-family, three-family, or  
232 | four-family dwelling house or dwelling unit that is rented for  
233 | periods of at least 30 days or 1 calendar month, whichever is  
234 | less, and that is not advertised or held out to the public as a  
235 | place regularly rented for periods of less than 1 calendar  
236 | month, provided that no more than four rental units within a  
237 | single complex of buildings are available for rent;

238 |       5. Any migrant labor camp or residential migrant housing  
239 | permitted by the Department of Health; under ss. 381.008-  
240 | 381.00895; ~~and~~

241 |       6. Any establishment inspected by the Department of Health  
242 | and regulated by chapter 513; and

243 |       7. Any nonprofit organization that operates a facility  
244 | providing housing only to patients, patients' families, and  
245 | patients' caregivers and not to the general public.

246 |       Section 6. Effective upon this act becoming a law,  
247 | paragraph (a) of subsection (2) and subsection (7) of section  
248 | 509.032, Florida Statutes, are amended to read:

249 |       509.032 Duties.—

250 |       (2) INSPECTION OF PREMISES.—

251 |       (a) The division has responsibility and jurisdiction for  
252 | all inspections required by this chapter. The division has

253 responsibility for quality assurance. Each licensed  
 254 establishment shall be inspected at least biannually, except for  
 255 transient and nontransient apartments, which shall be inspected  
 256 at least annually, and shall be inspected at such other times as  
 257 the division determines is necessary to ensure the public's  
 258 health, safety, and welfare. The division shall establish a  
 259 system to determine inspection frequency. Public lodging units  
 260 classified as vacation rentals ~~resort condominiums or resort~~  
 261 ~~dwellings~~ are not subject to this requirement, but shall be made  
 262 available to the division upon request. If, during the  
 263 inspection of a public lodging establishment classified for  
 264 renting to transient or nontransient tenants, an inspector  
 265 identifies vulnerable adults who appear to be victims of  
 266 neglect, as defined in s. 415.102, or, in the case of a building  
 267 that is not equipped with automatic sprinkler systems, tenants  
 268 or clients who may be unable to self-preserve in an emergency,  
 269 the division shall convene meetings with the following agencies  
 270 as appropriate to the individual situation: the Department of  
 271 Health, the Department of Elderly Affairs, the area agency on  
 272 aging, the local fire marshal, the landlord and affected tenants  
 273 and clients, and other relevant organizations, to develop a plan  
 274 which improves the prospects for safety of affected residents  
 275 and, if necessary, identifies alternative living arrangements  
 276 such as facilities licensed under part II of chapter 400 or  
 277 under chapter 429.

278 (7) PREEMPTION AUTHORITY.—

279 (a) The regulation of public lodging establishments and  
 280 public food service establishments, including, but not limited

281 to, ~~the inspection of public lodging establishments and public~~  
 282 ~~food service establishments for compliance with the sanitation~~  
 283 ~~standards, inspections, adopted under this section, and the~~  
 284 ~~regulation of food safety protection standards for required~~  
 285 ~~training and testing of food service establishment personnel,~~  
 286 and matters related to the nutritional content and marketing of  
 287 foods offered in such establishments, is ~~are~~ preempted to the  
 288 state. This paragraph ~~subsection~~ does not preempt the authority  
 289 of a local government or local enforcement district to conduct  
 290 inspections of public lodging and public food service  
 291 establishments for compliance with the Florida Building Code and  
 292 the Florida Fire Prevention Code, pursuant to ss. 553.80 and  
 293 633.022.

294 (b) A local law, ordinance, or regulation may not restrict  
 295 the use of vacation rentals, prohibit vacation rentals, or  
 296 regulate vacation rentals based solely on their classification,  
 297 use, or occupancy. This paragraph does not apply to any local  
 298 law, ordinance, or regulation adopted on or before June 1, 2011,  
 299 or to any amendment to such local law, ordinance, or regulation  
 300 exclusively relating to property valuation as a criteria for  
 301 vacation rental if the existing local law, ordinance, or  
 302 regulation was approved by the Department of Community Affairs  
 303 pursuant to an area of critical state concern designation.

304 Section 7. Effective upon this act becoming a law,  
 305 subsection (9) of section 509.221, Florida Statutes, is amended  
 306 to read:

307 509.221 Sanitary regulations.—

308 (9) Subsections (2), (5), and (6) do not apply to any

309 facility or unit classified as a vacation rental or ~~resort~~  
 310 ~~condominium,~~ nontransient apartment, ~~or resort dwelling~~ as  
 311 described in s. 509.242(1)(c) and, (d), ~~and (g)~~.

312 Section 8. Effective upon this act becoming a law,  
 313 subsection (2) of section 509.241, Florida Statutes, is amended  
 314 to read:

315 509.241 Licenses required; exceptions.—

316 (2) APPLICATION FOR LICENSE.—Each person who plans to open  
 317 a public lodging establishment or a public food service  
 318 establishment shall apply for and receive a license from the  
 319 division prior to the commencement of operation. A condominium  
 320 association, as defined in s. 718.103, which does not own any  
 321 units classified as vacation rentals ~~resort condominiums~~ under  
 322 s. 509.242(1)(c) is ~~shall~~ not be required to apply for or  
 323 receive a public lodging establishment license.

324 Section 9. Effective upon this act becoming a law,  
 325 subsection (1) of section 509.242, Florida Statutes, is amended  
 326 to read:

327 509.242 Public lodging establishments; classifications.—

328 (1) A public lodging establishment shall be classified as  
 329 a hotel, motel, ~~resort condominium,~~ nontransient apartment,  
 330 transient apartment, roominghouse, bed and breakfast inn, or  
 331 vacation rental ~~resort dwelling~~ if the establishment satisfies  
 332 the following criteria:

333 (a) Hotel.—A hotel is any public lodging establishment  
 334 containing sleeping room accommodations for 25 or more guests  
 335 and providing the services generally provided by a hotel and  
 336 recognized as a hotel in the community in which it is situated

337 or by the industry.

338 (b) Motel.—A motel is any public lodging establishment  
 339 which offers rental units with an exit to the outside of each  
 340 rental unit, daily or weekly rates, offstreet parking for each  
 341 unit, a central office on the property with specified hours of  
 342 operation, a bathroom or connecting bathroom for each rental  
 343 unit, and at least six rental units, and which is recognized as  
 344 a motel in the community in which it is situated or by the  
 345 industry.

346 (c) Vacation rental Resort condominium.—A vacation rental  
 347 ~~resort condominium~~ is any unit or group of units in a  
 348 condominium, cooperative, or timeshare plan or any individually  
 349 or collectively owned single-family, two-family, or four-family  
 350 house or dwelling unit that is also a transient public lodging  
 351 establishment which is rented more than three times in a  
 352 calendar year for periods of less than 30 days or 1 calendar  
 353 month, whichever is less, or which is advertised or held out to  
 354 the public as a place regularly rented for periods of less than  
 355 30 days or 1 calendar month, whichever is less.

356 (d) Nontransient apartment or roominghouse.—A nontransient  
 357 apartment or roominghouse is a building or complex of buildings  
 358 in which 75 percent or more of the units are available for rent  
 359 to nontransient tenants.

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

364 (f) Roominghouse.—A roominghouse is any public lodging

365 establishment that may not be classified as a hotel, motel,  
 366 ~~resort condominium,~~ nontransient apartment, bed and breakfast  
 367 inn, vacation rental, or transient apartment under this section.

368 A roominghouse includes, but is not limited to, a boardinghouse.

369 ~~(g) Resort dwelling.—A resort dwelling is any individually~~  
 370 ~~or collectively owned one family, two family, three family, or~~  
 371 ~~four family dwelling house or dwelling unit which is rented more~~  
 372 ~~than three times in a calendar year for periods of less than 30~~  
 373 ~~days or 1 calendar month, whichever is less, or which is~~  
 374 ~~advertised or held out to the public as a place regularly rented~~  
 375 ~~for periods of less than 30 days or 1 calendar month, whichever~~  
 376 ~~is less.~~

377 (g)(h) Bed and breakfast inn.—A bed and breakfast inn is a  
 378 family home structure, with no more than 15 sleeping rooms,  
 379 which has been modified to serve as a transient public lodging  
 380 establishment, which provides the accommodation and meal  
 381 services generally offered by a bed and breakfast inn, and which  
 382 is recognized as a bed and breakfast inn in the community in  
 383 which it is situated or by the hospitality industry.

384 Section 10. Effective upon this act becoming a law,  
 385 subsection (1) of section 509.251, Florida Statutes, is amended  
 386 to read:

387 509.251 License fees.—

388 (1) The division shall adopt, by rule, a schedule of fees  
 389 to be paid by each public lodging establishment as a  
 390 prerequisite to issuance or renewal of a license. Such fees  
 391 shall be based on the number of rental units in the  
 392 establishment. The aggregate fee per establishment charged any

393 public lodging establishment shall not exceed \$1,000; however,  
394 the fees described in paragraphs (a) and (b) may not be included  
395 as part of the aggregate fee subject to this cap. Vacation  
396 rental ~~Resort condominium~~ units within separate buildings or at  
397 separate locations but managed by one licensed agent may be  
398 combined in a single license application, and the division shall  
399 charge a license fee as if all units in the application are in a  
400 single licensed establishment. ~~Resort dwelling units may be~~  
401 ~~licensed in the same manner as condominium units.~~ The fee  
402 schedule shall require an establishment which applies for an  
403 initial license to pay the full license fee if application is  
404 made during the annual renewal period or more than 6 months  
405 prior to the next such renewal period and one-half of the fee if  
406 application is made 6 months or less prior to such period. The  
407 fee schedule shall include fees collected for the purpose of  
408 funding the Hospitality Education Program, pursuant to s.  
409 509.302, which are payable in full for each application  
410 regardless of when the application is submitted.

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

416 (b) A license renewal filed with the division within 30  
417 days after the expiration date shall be accompanied by a  
418 delinquent fee as prescribed by rule, not to exceed \$50, in  
419 addition to the renewal fee and any other fees required by law.  
420 A license renewal filed with the division more than 30 but not

421 more than 60 days after the expiration date shall be accompanied  
 422 by a delinquent fee as prescribed by rule, not to exceed \$100,  
 423 in addition to the renewal fee and any other fees required by  
 424 law.

425 Section 11. Effective upon this act becoming a law,  
 426 subsection (1) of section 509.261, Florida Statutes, is amended  
 427 to read:

428 509.261 Revocation or suspension of licenses; fines;  
 429 procedure.—

430 (1) Any public lodging establishment or public food  
 431 service establishment that has operated or is operating in  
 432 violation of this chapter or the rules of the division,  
 433 operating without a license, or operating with a suspended or  
 434 revoked license may be subject by the division to:

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

436 (b) Mandatory completion attendance, at personal expense,  
 437 of a remedial at an educational program administered sponsored  
 438 by a food safety training program provider whose program has  
 439 been approved by the division, as provided in s. 509.049 the  
 440 Hospitality Education Program; and

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

443 Section 12. Effective upon this act becoming a law,  
 444 subsection (1) of section 509.291, Florida Statutes, is amended  
 445 to read:

446 509.291 Advisory council.—

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

448 (a) The Secretary of Business and Professional Regulation



449 shall appoint six ~~seven~~ voting members to the advisory council.  
 450 Each member appointed by the secretary must be an operator of an  
 451 establishment licensed under this chapter and shall represent  
 452 the industries regulated by the division, except that one member  
 453 appointed by the secretary must be a layperson representing the  
 454 general public and one member must be a hospitality education  
 455 administrator from an institution of higher education of this  
 456 state. Such members of the council shall serve staggered terms  
 457 of 4 years.

458 (b) The Florida Restaurant and Lodging Association shall  
 459 designate one representative to serve as a voting member of the  
 460 council. The Florida Vacation Rental Managers Association shall  
 461 designate one representative to serve as a voting member of the  
 462 council. The Florida Apartment Association and the Florida  
 463 Association of Realtors shall each designate one representative  
 464 to serve as a voting member of the council.

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

468 Section 13. Effective upon this act becoming a law,  
 469 paragraph (c) of subsection (8) of section 381.008, Florida  
 470 Statutes, is amended to read:

471 381.008 Definitions of terms used in ss. 381.008-  
 472 381.00897.—As used in ss. 381.008-381.00897, the following words  
 473 and phrases mean:

474 (8) "Residential migrant housing"—A building, structure,  
 475 mobile home, barracks, or dormitory, and any combination thereof  
 476 on adjacent property which is under the same ownership,

477 management, or control, and the land appertaining thereto, that  
 478 is rented or reserved for occupancy by five or more seasonal or  
 479 migrant farmworkers, except:

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

483 Section 14. Effective upon this act becoming a law,  
 484 subsection (4) of section 386.203, Florida Statutes, is amended  
 485 to read:

486 386.203 Definitions.—As used in this part:

487 (4) "Designated smoking guest rooms at public lodging  
 488 establishments" means the sleeping rooms and directly associated  
 489 private areas, such as bathrooms, living rooms, and kitchen  
 490 areas, if any, rented to guests for their exclusive transient  
 491 occupancy in public lodging establishments, including hotels,  
 492 motels, vacation rentals ~~resort condominiums,~~ transient  
 493 apartments, transient lodging establishments, rooming houses,  
 494 boarding houses, ~~resort dwellings,~~ bed and breakfast inns, and  
 495 the like; and designated by the person or persons having  
 496 management authority over such public lodging establishment as  
 497 rooms in which smoking may be permitted.

498 Section 15. The amendments to ss. 509.144 and 932.701,  
 499 Florida Statutes, and the creation of s. 901.1503, Florida  
 500 Statutes, by this act do not affect or impede the provisions of  
 501 s. 790.251, Florida Statutes, or any other protection or right  
 502 guaranteed by the Second Amendment to the United States  
 503 Constitution.

504 Section 16. Except as otherwise expressly provided in this

CS/HB 63, Engrossed 1

2011

505 | act and except for this section, which shall take effect upon  
506 | this act becoming a law, this act shall take effect October 1,  
507 | 2011.