

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,
27 use, or occupancy; providing exceptions; amending ss.
28 509.221 and 509.241, F.S.; conforming provisions to

29 | changes made by the act; amending s. 509.242, F.S.;

30 | providing that public lodging establishments formerly

31 | classified as resort condominiums and resort dwellings are

32 | classified as vacation rentals; defining the term

33 | "vacation rental"; amending s. 509.251, F.S.; conforming

34 | provisions to changes made by the act; amending s.

35 | 509.261, F.S.; revising penalties for operating a public

36 | lodging establishment or public food service establishment

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

38 | revising membership of the advisory council of the

39 | Division of Hotels and Restaurants of the Department of

40 | Business and Professional Regulation; requiring the

41 | Florida Vacation Rental Managers Association to designate

42 | a member to serve on the advisory council; amending ss.

43 | 381.008 and 386.203, F.S.; conforming provisions to

44 | changes made by the act; providing that specified portions

45 | of this act do not affect or impede specified statutory

46 | provisions or any protection or right guaranteed by the

47 | Second Amendment to the United States Constitution;

48 | providing effective dates.

49 |

50 | Be It Enacted by the Legislature of the State of Florida:

51 |

52 | Section 1. This act may be cited as the "Tourist Safety

53 | Act of 2011."

54 | Section 2. Section 509.144, Florida Statutes, is amended

55 | to read:

56 | 509.144 Prohibited handbill distribution in a public

57 lodging establishment; penalties.—

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

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

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

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

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

84 (3) Any person who, without permission, directs another

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

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

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

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

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

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

107 (b) The sign must be posted conspicuously.

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

113 street, parking lot, grounds, or other area outside such
 114 establishment.

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

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

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

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

140 Section 4. Paragraph (a) of subsection (2) of section

141 932.701, Florida Statutes, is amended to read:

142 932.701 Short title; definitions.—

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

144 (a) "Contraband article" means:

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

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

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

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

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

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

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

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

186 8. Any motor vehicle offered for sale in violation of s.
 187 320.28.

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

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

196 11. Any real property, including any right, title,

197 | leasehold, or other interest in the whole of any lot or tract of
 198 | land, which is acquired by proceeds obtained as a result of
 199 | Medicaid fraud under s. 409.920 or s. 409.9201; any personal
 200 | property, including, but not limited to, equipment, money,
 201 | securities, books, records, research, negotiable instruments, or
 202 | currency; or any vessel, aircraft, item, object, tool,
 203 | substance, device, weapon, machine, or vehicle of any kind in
 204 | the possession of or belonging to any person which is acquired
 205 | by proceeds obtained as a result of Medicaid fraud under s.
 206 | 409.920 or s. 409.9201.

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

214 | Section 5. Paragraph (b) of subsection (4) of section
 215 | 509.013, Florida Statutes, is amended to read:

216 | 509.013 Definitions.—As used in this chapter, the term:

217 | (4)

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

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

223 | 2. Any facility certified or licensed and regulated by the
 224 | Agency for Health Care Administration or the Department of

225 Children and Family Services or other similar place regulated
 226 under s. 381.0072;

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

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

239 5. Any migrant labor camp or residential migrant housing
 240 permitted by the Department of Health; under ss. 381.008-
 241 381.00895; ~~and~~

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

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

247 Section 6. Effective upon this act becoming a law,
 248 paragraph (a) of subsection (2) and subsection (7) of section
 249 509.032, Florida Statutes, are amended to read:

250 509.032 Duties.—

251 (2) INSPECTION OF PREMISES.—

252 (a) The division has responsibility and jurisdiction for

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

279 (7) PREEMPTION AUTHORITY.—

280 (a) The regulation of public lodging establishments and

281 public food service establishments, including, but not limited
 282 to, ~~the inspection of public lodging establishments and public~~
 283 ~~food service establishments for compliance with the~~ sanitation
 284 standards, inspections, ~~adopted under this section,~~ and the
 285 regulation of food safety protection standards for required
 286 training and testing of ~~food service establishment~~ personnel,
 287 and matters related to the nutritional content and marketing of
 288 foods offered in such establishments, ~~is~~ ~~are~~ preempted to the
 289 state. This paragraph ~~subsection~~ does not preempt the authority
 290 of a local government or local enforcement district to conduct
 291 inspections of public lodging and public food service
 292 establishments for compliance with the Florida Building Code and
 293 the Florida Fire Prevention Code, pursuant to ss. 553.80 and
 294 633.022.

295 (b) A local law, ordinance, or regulation may not restrict
 296 the use of vacation rentals, prohibit vacation rentals, or
 297 regulate vacation rentals based solely on their classification,
 298 use, or occupancy. This paragraph does not apply to any local
 299 law, ordinance, or regulation adopted on or before June 1, 2011.

300 (c) Paragraph (b) does not apply to any local law,
 301 ordinance, or regulation exclusively relating to property
 302 valuation as a criterion for vacation rental if the local law,
 303 ordinance, or regulation is required to be approved by the
 304 Department of Community Affairs pursuant to an area of critical
 305 state concern designation.

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

309 509.221 Sanitary regulations.—

310 (9) Subsections (2), (5), and (6) do not apply to any
 311 facility or unit classified as a vacation rental or resort
 312 ~~condominium~~, nontransient apartment, ~~or resort dwelling~~ as
 313 described in s. 509.242(1)(c) and, (d), ~~and (g)~~.

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

317 509.241 Licenses required; exceptions.—

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

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

329 509.242 Public lodging establishments; classifications.—

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

335 (a) Hotel.—A hotel is any public lodging establishment
 336 containing sleeping room accommodations for 25 or more guests

337 and providing the services generally provided by a hotel and
338 recognized as a hotel in the community in which it is situated
339 or by the industry.

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

348 (c) Vacation rental ~~Resort condominium~~.—A vacation rental
349 ~~resort condominium~~ is any unit or group of units in a
350 condominium, cooperative, or timeshare plan or any individually
351 or collectively owned single-family, two-family, or four-family
352 house or dwelling unit that is also a transient public lodging
353 establishment ~~which is rented more than three times in a~~
354 ~~calendar year for periods of less than 30 days or 1 calendar~~
355 ~~month, whichever is less, or which is advertised or held out to~~
356 ~~the public as a place regularly rented for periods of less than~~
357 ~~30 days or 1 calendar month, whichever is less.~~

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

362 (e) Transient apartment or roominghouse.—A transient
363 apartment or roominghouse is a building or complex of buildings
364 in which more than 25 percent of the units are advertised or

365 held out to the public as available for transient occupancy.

366 (f) Roominghouse.—A roominghouse is any public lodging
 367 establishment that may not be classified as a hotel, motel,
 368 ~~resort condominium,~~ nontransient apartment, bed and breakfast
 369 inn, vacation rental, or transient apartment under this section.

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

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

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

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

389 509.251 License fees.—

390 (1) The division shall adopt, by rule, a schedule of fees
 391 to be paid by each public lodging establishment as a
 392 prerequisite to issuance or renewal of a license. Such fees

393 shall be based on the number of rental units in the
 394 establishment. The aggregate fee per establishment charged any
 395 public lodging establishment shall not exceed \$1,000; however,
 396 the fees described in paragraphs (a) and (b) may not be included
 397 as part of the aggregate fee subject to this cap. Vacation
 398 rental ~~Resort condominium~~ units within separate buildings or at
 399 separate locations but managed by one licensed agent may be
 400 combined in a single license application, and the division shall
 401 charge a license fee as if all units in the application are in a
 402 single licensed establishment. ~~Resort dwelling units may be~~
 403 ~~licensed in the same manner as condominium units.~~ The fee
 404 schedule shall require an establishment which applies for an
 405 initial license to pay the full license fee if application is
 406 made during the annual renewal period or more than 6 months
 407 prior to the next such renewal period and one-half of the fee if
 408 application is made 6 months or less prior to such period. The
 409 fee schedule shall include fees collected for the purpose of
 410 funding the Hospitality Education Program, pursuant to s.
 411 509.302, which are payable in full for each application
 412 regardless of when the application is submitted.

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

418 (b) A license renewal filed with the division within 30
 419 days after the expiration date shall be accompanied by a
 420 delinquent fee as prescribed by rule, not to exceed \$50, in

421 addition to the renewal fee and any other fees required by law.
 422 A license renewal filed with the division more than 30 but not
 423 more than 60 days after the expiration date shall be accompanied
 424 by a delinquent fee as prescribed by rule, not to exceed \$100,
 425 in addition to the renewal fee and any other fees required by
 426 law.

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

430 509.261 Revocation or suspension of licenses; fines;
 431 procedure.—

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

- 437 (a) Fines not to exceed \$1,000 per offense;
- 438 (b) Mandatory completion attendance, at personal expense,
 439 of a remedial at an educational program administered sponsored
 440 by a food safety training program provider whose program has
 441 been approved by the division, as provided in s. 509.049 the
 442 Hospitality Education Program; and

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

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

448 509.291 Advisory council.—

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

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

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

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

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

473 381.008 Definitions of terms used in ss. 381.008-
 474 381.00897.—As used in ss. 381.008-381.00897, the following words
 475 and phrases mean:

476 (8) "Residential migrant housing"—A building, structure,

477 mobile home, barracks, or dormitory, and any combination thereof
 478 on adjacent property which is under the same ownership,
 479 management, or control, and the land appertaining thereto, that
 480 is rented or reserved for occupancy by five or more seasonal or
 481 migrant farmworkers, except:

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

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

488 386.203 Definitions.—As used in this part:

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

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

CS/HB 63, Engrossed 2

2011

505 | Constitution.

506 | Section 16. Except as otherwise expressly provided in this
507 | act and except for this section, which shall take effect upon
508 | this act becoming a law, this act shall take effect October 1,
509 | 2011.