

## Committee on Regulated Industries

### **CS/CS/CS/HB 883, 2<sup>nd</sup> Eng. — Public Lodging Establishments and Public Food Service Establishments**

by Economic Affairs Committee; Government Operations Appropriations Subcommittee; Business and Consumer Affairs Subcommittee; and Rep. Horner (CS/CS/SB 476 by Judiciary Committee; Regulated Industries Committee; and Senator Evers)

The bill provides an exemption from the definition of “public lodging establishment” for housing provided by a nonprofit organization for patients and their families and caregivers and not to the general public.

The bill preempts to the state matters related to the nutritional content and marketing of foods offered in public lodging establishments and public food service establishments. This bill prohibits local governments from enacting such ordinances.

The bill requires that public food services establishments must complete, rather than simply attend, a remedial education program when such program is given as a sanction because of a violation of ch. 509, F.S., or rules of the Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation (department), because the establishment was operating without a license, or because the establishment operated with a revoked or suspended license. The bill also requires that such educational programs be administered by a food safety training program provider whose program has been approved by the division rather than programs sponsored by the Hospitality Education Program.

The bill replaces the classifications “resort condominium” and “resort dwelling” with the single term “vacation rental.” It provides that local laws, ordinances, or regulations may not restrict the use of vacation rentals, prohibit vacation rentals, or regulate vacation rentals based solely on their classification, use, or occupancy. However, the bill specifies that this prohibition does not apply to any local law, ordinance, or rule adopted on or before June 1, 2011. The bill also exempts from the prohibition local laws, ordinances, or regulations exclusively relating to property valuation as a criterion for vacation rental if it is required to be approved by the Department of Community Affairs pursuant to an area of critical state concern designation.

Florida Statutes provide for an advisory council to promote better understanding and cooperation between the division and the individuals and businesses that the division regulates. The bill changes the number of members appointed to the advisory council by the secretary of the department from seven members to six members. Additionally, the bill creates one new voting member of the advisory council who must represent the Florida Vacation Rental Managers Association. Consequently, the number of members composing the advisory council remains at 10 members.

The bill amends current law related to distribution of handbills at public lodging establishments and public food service establishments and specifies that this may be cited as the “Tourist Safety Act.” Under the bill, handbills may only be distributed with the written permission of the owner,

manager, or agent of the owner or manager of the public lodging establishment. The bill increases the penalties for violation of the handbill statute by:

- Imposing new fines for persons who unlawfully distribute handbills and who direct others to unlawfully distribute handbills for subsequent violations of the statute (\$2,000 for the second violation, and \$3,000 for the third and any subsequent violations);
- Expanding the property that is subject to seizure or forfeiture under the Florida Contraband Forfeiture Act to include property used in violation of a person's third or subsequent violation of the handbill distribution statute; and
- Permitting law enforcement officers to issue a notice to appear to a person without a warrant when the officer has probable cause to believe that the person has committed a violation of the Tourist Safety Act and the owner of the public lodging establishment and one other affiant sign affidavits to that effect.

The bill specifies that the amendments made by the Tourist Safety Act do not affect or impede the provisions of Florida Statutes allowing lawful possession of a firearm in one's automobile, or any other protection or right guaranteed by the Second Amendment to the United States Constitution.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 38-0; House 94-19*