

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/CS/HB 277 Public Lodging Establishments

**SPONSOR(S):** Veteran & Military Affairs Subcommittee; Business & Professions Subcommittee; Hager and others

**TIED BILLS:**           **IDEN./SIM. BILLS:** SB 394

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Business & Professions Subcommittee	13 Y, 0 N, As CS	Butler	Luczynski
2) Veteran & Military Affairs Subcommittee	13 Y, 0 N, As CS	Renner	Kiner
3) Regulatory Affairs Committee			

### SUMMARY ANALYSIS

With parental consent, an individual may join one of the United States Armed Forces upon reaching the age of 17. Florida has 20 major military installations throughout the state and over 61,000 active duty military personnel stationed in Florida.

While being employed by the military, or when traveling for military and personal purposes, these individuals will sometimes be required to procure accommodations at a public lodging establishment in the State of Florida. In some cases, public lodging establishments in Florida restrict renting to individuals over a certain age, with restrictions in place as high as 25 years of age.

The bill requires a public lodging establishment classified as a hotel, motel, or bed and breakfast inn to waive any minimum age policy it may have that restricts accommodations to individuals based on age for individuals who are currently on active duty as a member of the United States Armed Forces, the National Guard, Reserve Forces, or Coast Guard and who present a valid military identification card.

Duplication of the presented military identification card is prohibited by this bill.

The bill does not appear to have a fiscal impact on state or local governments.

The bill has an effective date of July 1, 2015.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Current Situation**

##### **Public Lodging Establishments**

The Division of Hotels and Restaurants (Division) within the Department of Business and Professional Regulation (Department) is the state agency charged with enforcing the provisions of ch. 509, F.S., and all other applicable laws relating to the inspection and regulation of public lodging establishments<sup>1</sup> and public food service establishments for the purpose of protecting the public health, safety, and welfare.

Section 509.092, F.S., allows an operator of a public lodging establishment to refuse accommodations or services to any person who is “objectionable or undesirable to the operator; however, such refusal may not be based upon race, creed, color, sex, physical disability, or national origin.” Notably, operators may refuse to accommodate a person based on age, and many hotels set a minimum age requirement for renting, in some circumstances up to 21 or 25 years of age.<sup>2</sup>

##### **United States Armed Forces**

The United States Armed Forces consist of the Air Force, Army, Coast Guard, Marines, and Navy.<sup>3</sup> Florida Statutes define the term “servicemember” to mean “any person serving as a member of the United States Armed Forces on active duty or state active duty and all members of the Florida National Guard and United States Reserve Forces.”<sup>4</sup> In order to join the United States Armed Forces, an individual must be at least 17 years of age (17-year old applicants require parental consent).<sup>5</sup>

Florida has 20 major military installations<sup>6</sup> and over 61,000 active duty military personnel stationed in Florida.<sup>7</sup>

#### **Effect of the Bill**

The bill requires a public lodging establishment classified as a hotel, motel, or bed and breakfast inn to waive any minimum age policy it may have that restricts accommodations to individuals based on age for individuals who are currently on active duty as a member of the United States Armed Forces, the National Guard, Reserve Forces, or Coast Guard and who present a valid military identification card. This includes individuals who are currently 17 and who have joined a military branch with parental consent.

Duplication of the presented military identification card is prohibited by this bill.

Accommodations at public lodging establishments are a form of either express or implied contract, and generally such establishments require the individual who is renting to be of legal age to form a

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<sup>1</sup> See s. 509.242, F.S., for public lodging establishment classifications.

<sup>2</sup> Lisa Fritscher, *Minimum Age Requirement for Renting Hotel Rooms*, USATODAY (last visited Jan. 22, 2015), <http://traveltips.usatoday.com/minimum-age-requirement-renting-hotel-rooms-61923.html>.

<sup>3</sup> 10 U.S. Code § 101(a)(4)

<sup>4</sup> s. 250.01(19), F.S.

<sup>5</sup> 10 U.S. Code § 505

<sup>6</sup> See “Brief on Defense/Homeland Security”, page 2, on the Enterprise Florida website. Available at <http://www.enterpriseflorida.com/industries/defense-homeland-security/> (last visited February 18, 2015)

<sup>7</sup> *Id.*

contract.<sup>8</sup> Individuals who are under the age of 18 are able to form contracts; however, these contracts are generally seen as voidable by the minor.<sup>9</sup>

In such cases, it is unclear whether a minor who has not prepaid must fulfill his or her contractual obligations if he or she attempts to void the contract after the accommodations have been provided, but before payment is made. While possible, this scenario is unlikely to happen because the number of 17 year olds on active duty that may need accommodations is low due to the length of training. For example, a 17 year old who joins the Air Force must attend approximately eight weeks of basic military training, followed by technical training which may last between six weeks to two years.<sup>10</sup> As such, it is unlikely that a newly enlisted 17 year old airman would be traveling while training; thus, it is unlikely he or she would need to seek accommodations.

However, to the extent that a 17 year old active duty servicemember may need accommodations, the public lodging establishment may require prepayment as a prerequisite for providing accommodations.

**B. SECTION DIRECTORY:**

**Section 1** creates s. 509.095, F.S., requiring waiver of age requirements for individuals with a valid military identification card.

**Section 2** provides an effective date of July 1, 2015.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

None.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

None.

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<sup>8</sup> See, e.g., *Rabon v. Inn of Lake City, Inc.*, 693 So. 2d 1126, 1132 (Fla. 1d DCA 1997) (stating absent an express contract, “the law implies that the innkeeper contracts to furnish services . . .”).

<sup>9</sup> *Orange Motors of Miami, Inc. v. Miami Nat. Bank*, 227 So. 2d 717, 718 (Fla. 3d DCA 1969).

<sup>10</sup> See the ‘Joining the Air Force’ page of the United States Air Force’s website at <http://www.airforce.com/joining-the-air-force/enlisted-overview/> (last visited February 18, 2015).

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

#### B. RULE-MAKING AUTHORITY:

None.

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 3, 2015, the Business & Professions Subcommittee adopted three amendments and reported the bill favorably as a committee substitute. The amendments clarified that the type of identification used in this bill included a valid military identification card or CAC card by an individual on active duty for the United States Armed Forces, National Guard, Reserve Forces, or Coast Guard.

The amendments also clarified that a public lodging establishment must waive their minimum age policy, and that duplication of a military identification card presented is prohibited.

The staff analysis is drafted to reflect the committee substitute.

On February 17, 2015, the Veteran & Military Affairs Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment removes the CAC card from the proposed language. The term "military identification card", which remains in the bill, is commonly used in statute and includes CAC cards. Thus, removing the CAC card will avoid any potential confusion over proper terminology.

The staff analysis is drafted to reflect the committee substitute.