

## HOUSE OF REPRESENTATIVES FINAL BILL ANALYSIS

<b>BILL #:</b>	CS/CS/HB 277	<b>FINAL HOUSE FLOOR ACTION:</b>	
<b>SPONSOR(S):</b>	Veteran & Military Affairs Subcommittee; Business & Professions Subcommittee; Hager and others	113 Y's	1 N's
<b>COMPANION BILLS:</b>	CS/CS/SB 394	<b>GOVERNOR'S ACTION:</b>	Pending

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### SUMMARY ANALYSIS

CS/CS/HB 277 passed the House on March 18, 2015, and subsequently passed the Senate on April 1, 2015.

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 65,000 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 provides that a public lodging establishment classified as a hotel, motel, or bed and breakfast inn is required 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.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF 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> over 65,000 active duty military personnel,<sup>7</sup> about 12,000 National Guard personnel,<sup>8</sup> and over 40,000 Reserves<sup>9</sup> stationed in Florida.

#### **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.

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

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

<sup>3</sup> 10 U.S.C. § 101(a)(4) (2012).

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

<sup>5</sup> 10 U.S.C. § 505 (2012).

<sup>6</sup> Enterprise Florida, *Defense & Homeland Security Industry Brief 2*, available at <http://www.enterpriseflorida.com/wp-content/uploads/brief-defense-homeland-security-florida.pdf> (May 2014).

<sup>7</sup> Governing.com, *Military Active-Duty Personnel, Civilians by State*, <http://www.governing.com/gov-data/military-civilian-active-duty-employee-workforce-numbers-by-state.html> (Aug. 30, 2013).

<sup>8</sup> Florida Department of Military Affairs, *Department of Military Affairs Mission*, <http://dma.myflorida.com/about-us/> (last visited Feb. 26, 2015).

<sup>9</sup> About.com, *U.S. Military Major Bases and Installations*, <http://usmilitary.about.com/library/milinfo/statefacts/blfl.htm> (last visited Feb. 26, 2015).

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 contract.<sup>10</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>11</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>12</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.

## **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>10</sup> See, e.g., *Rabon v. Inn of Lake City, Inc.*, 693 So. 2d 1126, 1132 (Fla. 1st DCA 1997) (stating absent an express contract, “the law implies that the innkeeper contracts to furnish services . . .”).

<sup>11</sup> *Orange Motors of Miami, Inc. v. Miami Nat. Bank*, 227 So. 2d 717, 718 (Fla. 3d DCA 1969).

<sup>12</sup> See United States Air Force, *Enlisted Overview*, <http://www.airforce.com/joining-the-air-force/enlisted-overview/> (last visited Feb. 26, 2015) (explaining the requirements and training a newly enlisted Air Force servicemember will undergo).