



---

# **Business & Professions Subcommittee**

**Tuesday, February 3, 2015  
1:30 PM  
12 HOB**

## **MEETING PACKET**

**Steve Crisafulli  
Speaker**

**Halsey Beshears  
Chair**

# Committee Meeting Notice

## HOUSE OF REPRESENTATIVES

### Business & Professions Subcommittee

**Start Date and Time:** Tuesday, February 03, 2015 01:30 pm  
**End Date and Time:** Tuesday, February 03, 2015 03:30 pm  
**Location:** 12 HOB  
**Duration:** 2.00 hrs

**Consideration of the following bill(s):**

HB 277 Public Lodging Establishments by Hager

Pursuant to rule 7.12, the filing deadline for amendments to bills on the agenda by a member who is not a member of the committee or subcommittee considering the bill is 6:00 p.m., Monday, February 2, 2015.

By request of the Chair, all Business & Professions Subcommittee members are asked to have amendments to bills on the agenda submitted to staff by 6:00 p.m., Monday, February 2, 2015.

**NOTICE FINALIZED on 01/27/2015 16:15 by Ellinor.Martha**



# The Florida House of Representatives

Regulatory Affairs Committee

Business & Professions Subcommittee

Steve Crisafulli  
Speaker

Halsey Beshears  
Chair

## AGENDA

February 3, 2015  
12 House Office Building  
1:30 PM – 3:30 PM

- I. **Call to Order & Roll Call**
- II. HB 277 by *Rep. Hager*  
Public Lodging Establishments
- III. **Adjournment**

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 277 Public Lodging Establishments  
**SPONSOR(S):** Hager and others  
**TIED BILLS:** IDEN./SIM. **BILLS:** SB 394

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Business & Professions Subcommittee		Butler BSB	Luczynski n2
2) Veteran & Military Affairs Subcommittee			
3) Regulatory Affairs Committee			

### SUMMARY ANALYSIS

With parental consent, an individual may join one of the military branches upon reaching the age of 17. Florida has 29 military bases throughout the state and over 100,000 military personnel are 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 policy it may have that restricts accommodations to individuals older than a certain age for individuals who present a valid military identification card.

The bill has no fiscal impact on state funds.

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

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

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 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, but 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>1</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 policy it may have that restricts accommodations to individuals older than a certain age for individuals who present a valid military identification card. This includes individuals who are currently 17 and who have joined a military branch with parental consent.

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>2</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>3</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. The public lodging establishment may require prepayment as a prerequisite for providing accommodations to a minor.

#### 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.

<sup>1</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>2</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>3</sup> *Orange Motors of Miami, Inc. v. Miami Nat. Bank*, 227 So. 2d 717, 718 (Fla. 3d DCA 1969).

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.

### 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

1                   A bill to be entitled  
 2           An act relating to public lodging establishments;  
 3           creating s. 509.095, F.S.; requiring specified public  
 4           lodging establishments to waive certain policies for  
 5           individuals who present a valid military  
 6           identification card; providing an effective date.

7  
 8   Be It Enacted by the Legislature of the State of Florida:

9  
 10           Section 1. Section 509.095, Florida Statutes, is created  
 11   to read:

12           509.095 Accommodations at public lodging establishments  
 13   for individuals with a valid military identification card.-Upon  
 14   the presentation of a valid military identification card by an  
 15   individual who seeks to obtain accommodations at a hotel, motel,  
 16   or bed and breakfast inn, as defined in s. 509.242, such hotel,  
 17   motel, or bed and breakfast inn shall waive any policy that it  
 18   may have which restricts accommodations to individuals older  
 19   than a certain age.

20           Section 2. This act shall take effect July 1, 2015.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

---

1 Committee/Subcommittee hearing bill: Business & Professions  
 2 Subcommittee

3 Representative Hager offered the following:

4

5 **Amendment**

6 Remove lines 14-15 and insert:

7 the presentation of a valid military identification card or  
 8 military Common Access Card (CAC card) by an individual who is  
 9 currently on active duty for a military branch, the National  
 10 Guard, the reserves, or the Coast Guard, and who seeks to obtain  
 11 accommodations at a hotel, motel,





Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

---

1 Committee/Subcommittee hearing bill: Business & Professions  
2 Subcommittee

3 Representative Hager offered the following:

**Amendment (with title amendment)**

6 Remove line 19 and insert:  
7 than a certain age. Duplication of military identification cards  
8 and common access cards presented pursuant to this section is  
9 prohibited.

11 -----  
12 **T I T L E A M E N D M E N T**

13 Remove line 6 and insert:  
14 identification card; providing that duplication of military  
15 identification is prohibited; providing an effective date.