

CHAPTER 98-275

House Bill No. 4063

An act relating to public lodging establishments; amending s. 509.32, F.S.; changing the date of submission of an annual report to the Governor by the Division of Hotels and Restaurants of the Department of Business Regulation; amending s. 509.191, F.S.; reducing the period of time in which certain unclaimed property left in a public lodging or public food service establishment must be held by the establishment; amending s. 509.201, F.S.; revising requirements for publishing advertisements relating to rates charged at specified public lodging establishments; providing an effective date.

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

Section 1. Subsection (5) of section 509.032, Florida Statutes, is amended to read:

509.032 Duties.—

(5) **REPORTS REQUIRED.**—The division shall send the Governor a written report ~~at the end of each fiscal year~~, which report shall state, but not be limited to, the total number of inspections conducted by the division to ensure the enforcement of sanitary standards, the total number of inspections conducted in response to emergency or epidemiological conditions, the number of violations of each sanitary standard, and any recommendations for improved inspection procedures. The division shall also keep accurate account of all expenses arising out of the performance of its duties and all fees collected under this chapter. The report shall be submitted by September 30 following the end of the fiscal year.

Section 2. Section 509.191, Florida Statutes, is amended to read:

509.191 **Unclaimed property.**—Any property with an identifiable owner which is left in a public lodging establishment or public food service establishment, other than property belonging to a guest who has vacated the premises without notice to the operator and with an outstanding account, which property remains unclaimed after being held by the establishment for ~~30~~ 90 days after written notice to the guest or owner of the property, shall become the property of the establishment. Property without an identifiable owner which is found in a public lodging establishment or public food service establishment is subject to the provisions of chapter 705.

Section 3. Subsection (2) of section 509.201, Florida Statutes, is amended to read:

509.201 **Room rates; posting; advertising; penalties.**—

(2)(a) A person may not display or cause to be displayed any sign which may be seen from a public highway or street, which sign includes a statement or numbers relating to the rates charged at a public lodging establish-

ment renting by the day or week, unless such sign includes, in letters and figures of similar size and prominence, the following information: the number of rental units in the establishment and the rates charged for each, whether the rates quoted are for single or multiple occupancy if such fact affects the rate charged, and the dates during which such rates are in effect. In each instance the rates charged may not exceed those filed with the division. A sign may not be displayed which includes a statement or numbers which appear to relate to the rate charged at a public lodging establishment when in fact the statement or numbers do not relate to such rates.

(b) A person may not publish or cause to be published any advertisement, other than those referred to in paragraph (a), which includes a statement or numbers relating to rates charged at a public lodging establishment renting by the day or week unless such advertisement includes, in letters or figures immediately adjacent to said rate, a statement as to whether the rates quoted are for single or multiple occupancy if such fact affects the rates charged. Any such advertisement shall also include the number of rental units in the establishment available at the published rates, the dates during which such rates are in effect, and an indication as to whether there are other rates in effect in the establishment, and, in the event the number of rental units in the establishment at the advertised rate is limited, the advertisement shall include a phone number to verify availability. The advertised rate in each instance ~~shall coincide with the rates posted in such rental units and~~ may not exceed those filed for such units with the division. For any such advertisement, the type size of the required additional information may not be smaller than one-twelfth of the size of the rate figures advertised or equal to the type size used in the body of the advertisement, whichever is larger. The requirements of this paragraph apply to any type of display advertisement, regardless of whether it is printed in a magazine, newspaper, or other similar publication.

(c) The provisions of paragraph (b) do not apply to advertisements or listings in guides or directories which are published by nonprofit organizations or associations or to advertisements of a classified nature placed in the classified section of newspapers and other similar publications.

(d) An advertisement may not be published that contains false or misleading statements about any public lodging establishment.

(3) Any operator of any public lodging establishment who violates, or causes to be violated, any of the provisions of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. In addition to the criminal penalty, the license of any public lodging establishment may be suspended or revoked by the division, or the division may impose fines on the licensee, in accordance with the provisions of s. 509.261, when the operator of such establishment is determined by the division to have violated any provision of this section. It is not necessary that the offender be convicted of violating this section as a condition precedent to the suspension or revocation of such license or the imposition of a civil penalty by the division.

(4) Subsection (1) and paragraphs (a), (b), and (c) of subsection (2) do not apply to any facility or unit classified as a resort condominium, nontransient apartment, or resort dwelling as described in s. 509.242(1)(c), (d), and (g).

Section 4. This act shall take effect upon becoming a law.

Became a law without the Governor's approval May 28, 1998.

Filed in Office Secretary of State May 27, 1998.