

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 277 Public Lodging Establishments
SPONSOR(S): 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		Renner	Kiner
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 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 or Common Access Card (CAC).

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

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 establishments¹ 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.²

Types of Military Identification Cards

Common Access Cards (CAC)

A CAC card³ is the standard identification for active duty uniformed service personnel, Selected Reserve, Department of Defense (DoD) civilian employees, and eligible contractor personnel.⁴ This card is also used to access buildings and controlled spaces, and it provides access to DoD computer networks and systems.⁵ There are four different types of CAC cards. The use of the card depends on the component/Command that an individual supports and each component/Command can customize the CAC card to meet its specific needs.⁶

Uniformed Services ID Card

A Uniformed Services ID Card⁷ (commonly referred to as a military id card) is **ONLY** for military retirees or active duty military family members. The card allows access to various military service benefits or privileges.⁸ There are seven types of Uniformed Services ID Cards and the benefits associated with each card depend on who the individual is.⁹

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 or

¹ See s. 509.242, F.S., for public lodging establishment classifications.

² 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>.

³ An example of a CAC card can be found on the Department of Defense website on Common Access Cards, available at <http://www.cac.mil/common-access-card/>

⁴ Department of Defense website on Common Access Cards, (last visited February 9, 2015) available at <http://www.cac.mil/common-access-card/>

⁵ *Id.*

⁶ *Id.*

⁷ An example of a Uniformed Services ID Card can be found on the Department of Defense website on Uniformed Services ID Cards, available at <http://www.cac.mil/uniformed-services-id-card/>

⁸ Department of Defense website on Uniformed Services ID Cards, (last visited February 9, 2015) available at <http://www.cac.mil/uniformed-services-id-card/>

⁹ *Id.*

common access card (CAC 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 contract.¹⁰ Individuals who are under the age of 18 are able to form contracts; however, these contracts are generally seen as voidable by the minor.¹¹

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 or a Common Access 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.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

¹⁰ 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 . . .”).

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

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:

As noted above, a Uniformed Services ID Card is only used by veterans or active duty military family members. Common Access Cards are the standard identification for active duty uniformed service personnel. The intent of CS/HB 277 is to require a public lodging establishment to waive age restrictions 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. Thus, requiring proof of a Uniformed Services ID Card does not appear to be consistent with the bill's intent.

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.