IMPORTANT INFORMATION

for Florida's Hospitality Industry

ATTENTION: Transient Public Lodging Establishments	Number: 2001-09	Date: 2001 October 29 Revised: 2001 December 28

SUBJECT: *UNDISCLOSED CHARGES OR FEES*

A lodging industry practice has recently emerged that directly violates Florida laws and administrative rules. The inclusion of undisclosed charges or fees on guests' final bills is unlawful under Chapters 509, Part I, and 501, Part II, (Florida Deceptive and Unfair Trade Practices Act), Florida Statutes (FS). Advertising which includes rates must disclose all mandatory charges made by the establishment, regardless of how they are labeled or characterized, except taxes.

Any establishment imposing undisclosed fees for any service or amenity that is not optional for the guest should immediately cease this practice. This includes but is not limited to items such as surcharges for energy or water, and fees for safes, parking, or "resort fees." Evidence of this practice may result in the division seeking legal remedies, including fines and/or suspension or revocation of the establishment's license, pursuant to Chapter 509, Part I, FS.

These types of undisclosed charges may also constitute unfair and deceptive trade practices, and be subject to legal remedy by the Florida Office of the Attorney General, pursuant to Chapter 501, Part II, FS.

Pertinent sections of Florida law include:

> 509.201 Room rates; posting; advertising; penalties.
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> In each public lodging establishment renting by the day or week there shall be posted in a plainly legible fashion, in a conspicuous place in each rental unit, the rates at which each such unit is rented. Such posting shall show the maximum amount charged for occupancy per person; the amount charged for extra conveniences, more complete accommodations, or additional furnishings; and the dates during the year when such charges prevail. Copies of the posted rate schedules for all similar rental units in each establishment shall be filed with the division at least 5 days before such rates are to become effective and shall be kept current. The rates posted in the rental units may not exceed those on file with the division, and an establishment may not charge more than the rates posted in the rental units and filed with the division.

Additionally, Section 61C-3.002 (1), Florida Administrative Code (FAC), states:

> The rates to be charged for each room in every public lodging establishment shall be filed with the division on [DBPR Form HR 50]22-004, ROOM RATE SCHEDULE, incorporated herein by reference and effective September 25, 1996, which form shall be provided by the division. Copies of this form may be obtained from any division office. A photocopy of the room rate schedule, stamped with the date it was received by the district, shall be kept available for inspection at all times. Where the number of rooms is 100 or more a supplementary report (such as the housekeeper's report) may be attached to [DBPR Form HR 50]22-004 provided that [DBPR Form HR 50]22-004 lists the total number of rooms, is signed and indicates attachment of the supplemental report. Supplemental reports shall also include:
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> (a) Every establishment room number and the rates charged for each, while also showing both the single and double rate.
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> (b) The charge for each additional person in room. The additional person charge shall include bedding accommodations.
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> (c) All additional charges such as telephone surcharge, television, air-conditioning, kitchenettes, safes, etc.
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> Note: Section 61C-3.002 (5) exempts resort condominiums and resort dwellings from the requirements of s. 61C-3.002 (1).

Also, Section 61C-3.002 (4), FAC, further states:

> The division shall consider it an unethical business practice for any establishment to engage in, or knowingly permit anyone on the licensed premises to engage in, any illegal, unfair or deceptive act.
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> Such acts include: Imposition of a charge separate and apart from, or in addition to, the room rate, that is not disclosed in writing to the guest at the time of check-in.

However, you should be aware that under the Florida Deceptive and Unfair Trade Practices Act, any time the price of lodging is represented to a consumer, the price must accurately reflect the true cost of the lodging. Quoting room rates during the reservation process when the room rates do not include additional charges later added to the bill, such as resort fees or "energy surcharges," would be considered deceptive and unfair under the Act.

To avoid disciplinary or other legal action against your license or your business, you should be aware of and adhere to these requirements. For more information, contact the nearest Division of Hotels & Restaurants office listed on the reverse side of this notice, or the main office at 800-749-6368. You may also contact the Office of the Attorney General at 850-414-3600.

FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Jeb Bush, *Governor* — Kim Binkley-Seyer, *Secretary*

Division of Hotels and Restaurants

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