

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

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

3 Representative Porter offered the following:

4  
 5 **Amendment**

6 Remove everything after the enacting clause and insert:  
 7 Section 1. Section 509.092, Florida Statutes, is amended  
 8 to read:

9 509.092 Public lodging establishments and public food  
 10 service establishments; rights as private enterprises.—Public  
 11 lodging establishments and public food service establishments  
 12 are private enterprises, and the operator has the right to  
 13 refuse accommodations or service to any person who is  
 14 objectionable or undesirable to the operator, but such refusal  
 15 may not be based upon race, creed, color, sex, pregnancy,  
 16 physical disability, or national origin. In addition, such  
 17 refusal by the operator of a public lodging establishment may

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18 not be based solely upon the age of a person over the age of 18  
19 or upon the age of an emancipated minor. A person aggrieved by a  
20 violation of this section or a violation of a rule adopted under  
21 this section has a right of action pursuant to s. 760.11.

22 Section 2. Subsection (1) of section 509.141, Florida  
23 Statutes, is amended to read:

24 509.141 Refusal of admission and ejection of undesirable  
25 guests; notice; procedure; penalties for refusal to leave.—

26 (1) The operator of any public lodging establishment or  
27 public food service establishment may remove or cause to be  
28 removed from such establishment, in the manner hereinafter  
29 provided, any guest of the establishment who, while on the  
30 premises of the establishment, illegally possesses or deals in  
31 controlled substances as defined in chapter 893 or is  
32 intoxicated, profane, lewd, or brawling; who indulges in any  
33 language or conduct which disturbs the peace and comfort of  
34 other guests or which injures the reputation, dignity, or  
35 standing of the establishment; who, in the case of a public  
36 lodging establishment, fails to make payment of rent at the  
37 agreed-upon rental rate by the agreed-upon checkout time; who,  
38 in the case of a public lodging establishment, fails to check  
39 out by the time agreed upon in writing by the guest and public  
40 lodging establishment at check-in unless an extension of time is  
41 agreed to by the public lodging establishment and guest prior to  
42 checkout; who, in the case of a public food service  
43 establishment, fails to make payment for food, beverages, or

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44 services; or who, in the opinion of the operator, is a person  
45 the continued entertainment of whom would be detrimental to such  
46 establishment. The admission to, or the removal from, such  
47 establishment may ~~shall~~ not be based upon race, creed, color,  
48 sex, physical disability, or national origin. In addition, the  
49 admission to, or the removal from, a public lodging  
50 establishment may not be based solely upon the age of a person  
51 over the age of 18 or upon the age of an emancipated minor.

52 Section 3. Section 509.142, Florida Statutes, is amended  
53 to read:

54 509.142 Conduct on premises; refusal of service.—The  
55 operator of a public lodging establishment or public food  
56 service establishment may refuse accommodations or service to  
57 any person whose conduct on the premises of the establishment  
58 displays intoxication, profanity, lewdness, or brawling; who  
59 indulges in language or conduct such as to disturb the peace or  
60 comfort of other guests; who engages in illegal or disorderly  
61 conduct; who illegally possesses or deals in controlled  
62 substances as defined in chapter 893; or whose conduct  
63 constitutes a nuisance. Such refusal may not be based upon race,  
64 creed, color, sex, physical disability, or national origin. In  
65 addition, such refusal by the operator of a public lodging  
66 establishment may not be based solely upon the age of a person  
67 over the age of 18 or upon the age of an emancipated minor.

68 Section 4. This act shall take effect July 1, 2016.