

HB 637

2016

1                   A bill to be entitled  
2           An act relating to public lodging establishments;  
3           amending ss. 509.092, 509.141, and 509.142, F.S.;  
4           revising provisions to prohibit the operator of a  
5           public lodging establishment from refusing  
6           accommodations to a person based solely upon such  
7           person's age; providing an effective date.

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

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11           Section 1. Section 509.092, Florida Statutes, is amended  
12   to read:

13           509.092 Public lodging establishments and public food  
14   service establishments; rights as private enterprises.—Public  
15   lodging establishments and public food service establishments  
16   are private enterprises, and the operator has the right to  
17   refuse accommodations or service to any person who is  
18   objectionable or undesirable to the operator, but such refusal  
19   may not be based upon race, creed, color, sex, pregnancy,  
20   physical disability, or national origin. In addition, such  
21   refusal by the operator of a public lodging establishment may  
22   not be based solely upon age. A person aggrieved by a violation  
23   of this section or a violation of a rule adopted under this  
24   section has a right of action pursuant to s. 760.11.

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

27           509.141 Refusal of admission and ejection of undesirable  
 28 guests; notice; procedure; penalties for refusal to leave.—  
 29           (1) The operator of any public lodging establishment or  
 30 public food service establishment may remove or cause to be  
 31 removed from such establishment, in the manner hereinafter  
 32 provided, any guest of the establishment who, while on the  
 33 premises of the establishment, illegally possesses or deals in  
 34 controlled substances as defined in chapter 893 or is  
 35 intoxicated, profane, lewd, or brawling; who indulges in any  
 36 language or conduct which disturbs the peace and comfort of  
 37 other guests or which injures the reputation, dignity, or  
 38 standing of the establishment; who, in the case of a public  
 39 lodging establishment, fails to make payment of rent at the  
 40 agreed-upon rental rate by the agreed-upon checkout time; who,  
 41 in the case of a public lodging establishment, fails to check  
 42 out by the time agreed upon in writing by the guest and public  
 43 lodging establishment at check-in unless an extension of time is  
 44 agreed to by the public lodging establishment and guest prior to  
 45 checkout; who, in the case of a public food service  
 46 establishment, fails to make payment for food, beverages, or  
 47 services; or who, in the opinion of the operator, is a person  
 48 the continued entertainment of whom would be detrimental to such  
 49 establishment. The admission to, or the removal from, such  
 50 establishment may ~~shall~~ not be based upon race, creed, color,  
 51 sex, physical disability, or national origin. In addition, the  
 52 admission to, or the removal from, a public lodging

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53 establishment may not be based solely upon age.

54 Section 3. Section 509.142, Florida Statutes, is amended  
55 to read:

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

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