

By Senator Dean

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1 A bill to be entitled
2 An act relating to public lodging and food
3 establishments; amending ss. 509.092, 509.141, and
4 509.142, F.S.; prohibiting the operator of a public
5 lodging or food establishment from refusing
6 accommodations to, or removing, a person based solely
7 upon such person's age; providing an effective date.
8

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 to
12 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

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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
53 establishment may not be based solely upon age.

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

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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.