

1 A bill to be entitled
 2 An act relating to public lodging and public food
 3 service establishments; amending s. 509.013, F.S.;
 4 revising definitions; amending s. 509.141, F.S.;
 5 revising notification requirements for removing guests
 6 from public lodging and public food service
 7 establishments; revising penalty provisions; providing
 8 an effective date.

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

11
 12 **Section 1. Paragraph (a) of subsection (4) and subsections**
 13 **(11), (12), (14), and (15) of section 509.013, Florida Statutes,**
 14 **are amended to read:**

15 509.013 Definitions.—As used in this chapter, the term:

16 (4) (a) "Public lodging establishment" includes a transient
 17 public lodging establishment as defined in subparagraph 1. and a
 18 nontransient public lodging establishment as defined in
 19 subparagraph 2.

20 1. "Transient public lodging establishment" means any
 21 unit, group of units, dwelling, building, or group of buildings
 22 within a single complex of buildings which is rented to guests
 23 more than three times in a calendar year for periods of less
 24 than 30 consecutive days ~~or 1 calendar month, whichever is less,~~
 25 or which is advertised or held out to the public as a place

26 regularly rented to guests for periods of less than 30
 27 consecutive days.

28 2. "Nontransient public lodging establishment" means any
 29 unit, group of units, dwelling, building, or group of buildings
 30 within a single complex of buildings which is rented to guests
 31 for periods of at least 30 consecutive days ~~or 1 calendar month,~~
 32 ~~whichever is less,~~ or which is advertised or held out to the
 33 public as a place regularly rented to guests for periods of at
 34 least 30 consecutive days ~~or 1 calendar month.~~

35
 36 License classifications of public lodging establishments, and
 37 the definitions therefor, are set out in s. 509.242. For the
 38 purpose of licensure, the term does not include condominium
 39 common elements as defined in s. 718.103.

40 (11) "Transient establishment" means any public lodging
 41 establishment that is rented or leased to guests by an operator
 42 for transient occupancy ~~whose intention is that such guests'~~
 43 ~~occupancy will be temporary.~~

44 (12) "Transient occupancy" means occupancy that is ~~when it~~
 45 ~~is the intention of the parties that the occupancy will be~~
 46 temporary. The term includes the occupancy of a dwelling unit at
 47 a hotel, motel, vacation rental, bed and breakfast inn, or
 48 timeshare project, as defined in s. 509.242, unless a written
 49 rental or lease agreement expressly states that the dwelling
 50 unit is the sole residence of the guest ~~There is a rebuttable~~

51 ~~presumption that, when the dwelling unit occupied is not the~~
 52 ~~sole residence of the guest, the occupancy is transient.~~

53 (14) "Nontransient establishment" means any public lodging
 54 establishment that is rented or leased to guests by an operator
 55 for nontransient occupancy ~~whose intention is that the dwelling~~
 56 ~~unit occupied will be the sole residence of the guest.~~

57 (15) "Nontransient occupancy" means occupancy that is not
 58 ~~when it is the intention of the parties that the occupancy will~~
 59 ~~not be~~ temporary. The term includes the occupancy of a dwelling
 60 unit at a hotel, motel, vacation rental, bed and breakfast inn,
 61 or timeshare project, as defined in s. 509.242, unless a written
 62 rental or lease agreement expressly states that the dwelling
 63 unit is the sole residence of the guest ~~There is a rebuttable~~
 64 ~~presumption that, when the dwelling unit occupied is the sole~~
 65 ~~residence of the guest, the occupancy is nontransient.~~

66 **Section 2. Section 509.141, Florida Statutes, is amended**
 67 **to read:**

68 509.141 Refusal of admission and ejection of undesirable
 69 guests; notice; procedure; penalties for refusal to leave.—

70 (1) The operator of a ~~any~~ public lodging establishment or
 71 public food service establishment may remove or cause to be
 72 removed from such establishment, in the manner ~~hereinafter~~
 73 provided for in this section, any guest of the establishment
 74 who:

75 (a) ~~who,~~ While on the premises of the establishment,

76 | illegally possesses or deals in controlled substances as defined
 77 | in chapter 893 or is intoxicated, profane, lewd, or brawling;

78 | (b) ~~who~~ Indulges in any language or conduct which disturbs
 79 | the peace and comfort of other guests or which injures the
 80 | reputation, dignity, or standing of the establishment;

81 | (c) ~~who~~, In the case of a public lodging establishment,
 82 | fails to make payment of rent at the agreed-upon rental rate by
 83 | the ~~agreed-upon~~ checkout time specified by the public lodging
 84 | establishment;

85 | (d) ~~who~~, In the case of a public lodging establishment,
 86 | fails to check out by the time specified by the ~~agreed upon in~~
 87 | ~~writing by the guest and~~ public lodging establishment at check-
 88 | in, unless an extension of time is agreed to by the public
 89 | lodging establishment and guest before ~~prior to~~ checkout;

90 | (e) ~~who~~, In the case of a public food service
 91 | establishment, fails to make payment for food, beverages, or
 92 | services; or

93 | (f) ~~who~~, In the opinion of the operator, is a person the
 94 | continued entertainment of whom would be detrimental to such
 95 | establishment.

96 |
 97 | The admission to, or the removal from, such establishment shall
 98 | not be based upon race, creed, color, sex, physical disability,
 99 | or national origin.

100 | (2) The operator of a ~~any~~ public lodging establishment or

101 public food service establishment shall notify the ~~such~~ guest
102 that the establishment no longer desires to entertain the guest
103 and shall request that the ~~such~~ guest immediately depart from
104 the establishment. The ~~such~~ notice may be given orally or in
105 writing. The notice is effective upon delivery, whether delivery
106 of notice is given in person or by telephone or e-mail, using
107 the contact information provided by the guest, or, with respect
108 to a public lodging establishment, upon delivery to the guest's
109 dwelling unit. If the notice is in writing, it shall be as
110 follows:

111 "You are hereby notified that this establishment no longer
112 desires to entertain you as its guest, and you are requested to
113 leave at once. To remain after receipt of this notice is a
114 misdemeanor under the laws of this state."

115 If the ~~such~~ guest has paid in advance, the establishment shall,
116 at the time the ~~such~~ notice is given, tender to the ~~such~~ guest
117 the unused portion of the advance payment; however, the
118 establishment may withhold payment for each full day that the
119 guest has been entertained at the establishment for any portion
120 of the 24-hour period of the ~~such~~ day.

121 (3) A ~~Any~~ guest who remains or attempts to remain in any
122 such establishment after a request by the operator to depart
123 under subsection (2) commits ~~being requested to leave is guilty~~
124 ~~of~~ a misdemeanor of the second degree, punishable as provided in
125 s. 775.082 or s. 775.083.

126 (4) If a guest remains ~~any person is illegally~~ on the
 127 premises of a ~~any~~ public lodging establishment or public food
 128 service establishment after a request by the operator to depart
 129 under subsection (2), the operator of such establishment may
 130 call upon a ~~any~~ law enforcement officer of this state for
 131 assistance. It is the duty of the ~~such~~ law enforcement officer,
 132 upon the request of the ~~such~~ operator, to remove a ~~place under~~
 133 ~~arrest and take into custody for violation of this section any~~
 134 guest who remains on the premises of such an establishment after
 135 a request by the operator to depart under subsection (2).

136 (5) A law enforcement officer may place under arrest and
 137 take into custody a guest who violates subsection (3) ~~in the~~
 138 ~~presence of the officer~~. If a warrant has been issued by the
 139 proper judicial officer for the arrest of a ~~any~~ violator of
 140 subsection (3), the officer shall serve the warrant, arrest the
 141 person, and take the person into custody. Upon arrest, with or
 142 without warrant, the guest is ~~will be~~ deemed to have given up
 143 any right to occupancy or to have abandoned such right of
 144 occupancy of the premises, and the operator of the establishment
 145 may then make such premises available to other guests. However,
 146 the operator of the establishment shall employ all reasonable
 147 and proper means to care for any personal property which may be
 148 left on the premises by the ~~such~~ guest and shall refund any
 149 unused portion of moneys paid by the ~~such~~ guest for the
 150 occupancy of the ~~such~~ premises.

151

Section 3. This act shall take effect July 1, 2025.