

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; amending
8 s. 509.214, F.S.; providing definitions; requiring
9 public food service establishments that charge an
10 operations charge to provide specified notice;
11 prohibiting public food service establishments that
12 charge an operations charge that is used to compensate
13 employees from also charging an automatic gratuity;
14 requiring bills and receipts to contain certain
15 information; prohibiting a private cause of action;
16 providing effective dates.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 **Section 1. Paragraph (a) of subsection (4) and subsections**
21 **(11), (12), (14), and (15) of section 509.013, Florida Statutes,**
22 **are amended to read:**

23 509.013 Definitions.—As used in this chapter, the term:
24 (4) (a) "Public lodging establishment" includes a transient
25 public lodging establishment as defined in subparagraph 1. and a

26 nontransient public lodging establishment as defined in
27 subparagraph 2.

28 1. "Transient 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 more than three times in a calendar year for periods of less
32 than 30 consecutive days ~~or 1 calendar month, whichever is less,~~
33 or which is advertised or held out to the public as a place
34 regularly rented to guests for periods of less than 30
35 consecutive days.

36 2. "Nontransient public lodging establishment" means any
37 unit, group of units, dwelling, building, or group of buildings
38 within a single complex of buildings which is rented to guests
39 for periods of at least 30 consecutive days ~~or 1 calendar month,~~
40 ~~whichever is less,~~ or which is advertised or held out to the
41 public as a place regularly rented to guests for periods of at
42 least 30 consecutive days ~~or 1 calendar month.~~

43
44 License classifications of public lodging establishments, and
45 the definitions therefor, are set out in s. 509.242. For the
46 purpose of licensure, the term does not include condominium
47 common elements as defined in s. 718.103.

48 (11) "Transient establishment" means any public lodging
49 establishment that is rented or leased to guests by an operator
50 for transient occupancy ~~whose intention is that such guests'~~

51 ~~occupancy will be temporary.~~

52 (12) "Transient occupancy" means occupancy that is ~~when it~~
53 ~~is the intention of the parties that the occupancy will be~~
54 temporary. The term includes the occupancy of a dwelling unit at
55 a hotel, motel, vacation rental, bed and breakfast inn, or
56 timeshare project, as defined in s. 509.242, unless a written
57 rental or lease agreement expressly states that the dwelling
58 unit is the sole residence of the guest ~~There is a rebuttable~~
59 ~~presumption that, when the dwelling unit occupied is not the~~
60 ~~sole residence of the guest, the occupancy is transient.~~

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

65 (15) "Nontransient occupancy" means occupancy that is not
66 ~~when it is the intention of the parties that the occupancy will~~
67 ~~not be~~ temporary. The term does not include the occupancy of a
68 dwelling unit at a hotel, motel, vacation rental, bed and
69 breakfast inn, or timeshare project, as defined in s. 509.242,
70 unless a written rental or lease agreement expressly states that
71 the dwelling unit is the sole residence of the guest ~~There is a~~
72 ~~rebuttable presumption that, when the dwelling unit occupied is~~
73 ~~the sole residence of the guest, the occupancy is nontransient.~~

74 **Section 2. Section 509.141, Florida Statutes, is amended**
75 **to read:**

76 509.141 Refusal of admission and ejection of undesirable
77 guests; notice; procedure; penalties for refusal to leave.—

78 (1) The operator of a ~~any~~ public lodging establishment or
79 public food service establishment may remove or cause to be
80 removed from such establishment, in the manner ~~hereinafter~~
81 provided for in this section, any guest of the establishment
82 who:

83 (a) ~~who~~, While on the premises of the establishment,
84 illegally possesses or deals in controlled substances as defined
85 in chapter 893 or is intoxicated, profane, lewd, or brawling;

86 (b) ~~who~~ Indulges in any language or conduct which disturbs
87 the peace and comfort of other guests or which injures the
88 reputation, dignity, or standing of the establishment;

89 (c) ~~who~~, In the case of a public lodging establishment,
90 fails to make payment of rent at the agreed-upon rental rate by
91 the ~~agreed-upon~~ checkout time specified in writing by the public
92 lodging establishment;

93 (d) ~~who~~, In the case of a public lodging establishment,
94 fails to check out by the time specified in writing by the
95 ~~agreed upon in writing by the guest and public lodging~~
96 establishment at check-in, unless an extension of time is agreed
97 to by the public lodging establishment and guest before ~~prior to~~
98 checkout;

99 (e) ~~who~~, In the case of a public food service
100 establishment, fails to make payment for food, beverages, or

101 services; or

102 (f) ~~who,~~ In the opinion of the operator, is a person the
103 continued entertainment of whom would be detrimental to such
104 establishment.

105
106 The admission to, or the removal from, such establishment shall
107 not be based upon race, creed, color, sex, physical disability,
108 or national origin.

109 (2) The operator of a ~~any~~ public lodging establishment or
110 public food service establishment shall notify the ~~such~~ guest
111 that the establishment no longer desires to entertain the guest
112 and shall request that the ~~such~~ guest immediately depart from
113 the establishment. The ~~such~~ notice may be given orally or in
114 writing. An operator of a public lodging establishment that
115 requests that a guest immediately depart due to the guest's
116 failure to check out or pay for the dwelling unit by check-out
117 time must provide the notice in writing via e-mail, text
118 message, or printed paper. The notice is effective upon
119 delivery, whether notice is provided in person or by telephone
120 or e-mail, using the contact information provided by the guest,
121 or, with respect to a public lodging establishment, upon
122 delivery to the guest's dwelling unit. If the notice is in
123 writing, it shall be as follows:

124 "You are hereby notified that this establishment no longer
125 desires to entertain you as its guest, and you are requested to

126 leave at once. To remain after receipt of this notice is a
127 misdemeanor under the laws of this state."

128 If the ~~such~~ guest has paid in advance, the establishment shall,
129 at the time the ~~such~~ notice is given, tender to the ~~such~~ guest
130 the unused portion of the advance payment; however, the
131 establishment may withhold payment for each full day that the
132 guest has been entertained at the establishment for any portion
133 of the 24-hour period of the ~~such~~ day.

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

139 (4) If a guest remains ~~any person is illegally~~ on the
140 premises of a ~~any~~ public lodging establishment or public food
141 service establishment after a request by the operator to depart
142 under subsection (2), the operator of such establishment may
143 call upon a ~~any~~ law enforcement officer of this state for
144 assistance. It is the duty of the ~~such~~ law enforcement officer,
145 upon the request of the ~~such~~ operator, to remove a ~~place under~~
146 ~~arrest and take into custody for violation of this section any~~
147 guest who remains on the premises of such an establishment after
148 a request by the operator to depart under subsection (2).

149 (5) A law enforcement officer may place under arrest and
150 take into custody a guest who violates subsection (3) ~~in the~~

151 ~~presence of the officer.~~ If a warrant has been issued by the
152 proper judicial officer for the arrest of a ~~any~~ violator of
153 subsection (3), the officer shall serve the warrant, arrest the
154 person, and take the person into custody. Upon arrest, with or
155 without warrant, the guest is ~~will be~~ deemed to have given up
156 any right to occupancy or to have abandoned such right of
157 occupancy of the premises, and the operator of the establishment
158 may then make such premises available to other guests. However,
159 the operator of the establishment shall employ all reasonable
160 and proper means to care for any personal property which may be
161 left on the premises by the ~~such~~ guest and shall refund any
162 unused portion of moneys paid by the ~~such~~ guest for the
163 occupancy of the ~~such~~ premises.

164 **Section 3. Effective July 1, 2026, section 509.214,**
165 **Florida Statutes, is amended to read:**

166 509.214 Notification of automatic operations ~~gratuity~~
167 charge and public food service establishment receipts.—

168 (1) As used in this subsection, the term:

169 (a) "Gratuity" or "tip" means a sum presented by a
170 customer as a gift or contribution in recognition of service
171 performed, the payment and amount of which is at the discretion
172 of the customer.

173 (b) "Operations charge" means an automatic fee or charge,
174 other than a government-imposed tax, that a customer is required
175 to pay in addition to the cost of the food and beverage

176 purchased. The term includes, but is not limited to, service
177 charges, automatic gratuities, credit card surcharges, and
178 delivery fees.

179 (2) Every public food service establishment which charges
180 an operations charge includes an automatic gratuity or service
181 charge in the price of the meal shall include a notice on the
182 food menu, written contract, and website or mobile application
183 where food and beverage orders are placed, as applicable, that
184 includes the amount or percentage of the operations charge and
185 the purpose of the operations charge. Such notice must appear in
186 a font that is equal to or greater than the font used for menu
187 item descriptions or the general provisions of the written
188 contract. If the public food service establishment does not
189 provide menus, table service, or written contracts for banquet,
190 catering, or event services, the operations charge notice must
191 appear in an obvious and clearly readable manner on the menu
192 board or on an obvious and clearly readable sign by the register
193 where the customer pays. However, a public food service
194 establishment that charges an operations charge that is used to
195 compensate employees may not also charge an automatic gratuity.

196 (3) There must be a notice and on the face of the bill
197 provided to the customer that an operations charge notice that
198 an automatic gratuity is included. The notice must clearly state
199 the percentage or amount of the operations charge.

200 (4) Each copy of a receipt that a customer receives must

201 contain separate lines for gratuity, an operations charge, and
202 sales tax so that it is clear to the customer what is being
203 charged. If the operations charge is an automatic gratuity, it
204 must be separately stated on the receipt.

205 (5) This section does not create a private cause of action
206 related to compliance with the requirements of this section.

207 **Section 4.** Except as otherwise expressly provided in this
208 act, this act shall take effect July 1, 2025.