

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Johnson offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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

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

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

355889

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Amendment No.

13 1. "Transient public lodging establishment" means any
14 unit, group of units, dwelling, building, or group of buildings
15 within a single complex of buildings which is rented to guests
16 more than three times in a calendar year for periods of less
17 than 30 consecutive days ~~or 1 calendar month, whichever is less,~~
18 or which is advertised or held out to the public as a place
19 regularly rented to guests for periods of less than 30
20 consecutive days.

21 2. "Nontransient public lodging establishment" means any
22 unit, group of units, dwelling, building, or group of buildings
23 within a single complex of buildings which is rented to guests
24 for periods of at least 30 consecutive days ~~or 1 calendar month,~~
25 ~~whichever is less,~~ or which is advertised or held out to the
26 public as a place regularly rented to guests for periods of at
27 least 30 consecutive days ~~or 1 calendar month.~~

28
29 License classifications of public lodging establishments, and
30 the definitions therefor, are set out in s. 509.242. For the
31 purpose of licensure, the term does not include condominium
32 common elements as defined in s. 718.103.

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

355889

Approved For Filing: 4/29/2025 3:20:29 PM

Amendment No.

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

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

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

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

355889

Approved For Filing: 4/29/2025 3:20:29 PM

Amendment No.

61 509.141 Refusal of admission and ejection of undesirable
62 guests; notice; procedure; penalties for refusal to leave.—

63 (1) The operator of a ~~any~~ public lodging establishment or
64 public food service establishment may remove or cause to be
65 removed from such establishment, in the manner ~~hereinafter~~
66 provided for in this section, any guest of the establishment
67 who:

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

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

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

78 (d) ~~who~~, In the case of a public lodging establishment,
79 fails to check out by the time specified in writing by the
80 ~~agreed upon in writing by the guest and public lodging~~
81 ~~establishment at check-in,~~ unless an extension of time is agreed
82 to by the public lodging establishment and guest before ~~prior to~~
83 checkout;

355889

Approved For Filing: 4/29/2025 3:20:29 PM

Amendment No.

84 (e) ~~who,~~ In the case of a public food service
85 establishment, fails to make payment for food, beverages, or
86 services; or

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

90
91 The admission to, or the removal from, such establishment shall
92 not be based upon race, creed, color, sex, physical disability,
93 or national origin.

94 (2) The operator of a ~~any~~ public lodging establishment or
95 public food service establishment shall notify the ~~such~~ guest
96 that the establishment no longer desires to entertain the guest
97 and shall request that the ~~such~~ guest immediately depart from
98 the establishment. The ~~such~~ notice may be given orally or in
99 writing. An operator of a public lodging establishment that
100 requests that a guest immediately depart due to the guest's
101 failure to check out or pay for the dwelling unit by check-out
102 time must provide the notice in writing via e-mail, text
103 message, or printed paper. The notice is effective upon
104 delivery, whether notice is provided in person or by telephone
105 or e-mail, using the contact information provided by the guest,
106 or, with respect to a public lodging establishment, upon
107 delivery to the guest's dwelling unit. If the notice is in
108 writing, it shall be as follows:

355889

Approved For Filing: 4/29/2025 3:20:29 PM

Amendment No.

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

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

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

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

355889

Approved For Filing: 4/29/2025 3:20:29 PM

Amendment No.

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

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

151 509.214 Notification of automatic operations ~~gratuity~~
152 charge and public food service establishment receipts.—

153 (1) As used in this section, the term:

154 (a) "Gratuity" or "tip" means a sum presented by a
155 customer as a gift or contribution in recognition of service
156 performed, the payment and amount of which is at the discretion
157 of the customer.

355889

Approved For Filing: 4/29/2025 3:20:29 PM

Amendment No.

158 (b) "Operations charge" means an automatic fee or charge,
159 other than a government-imposed tax, that a customer is required
160 to pay in addition to the cost of the food and beverage
161 purchased. The term includes, but is not limited to, service
162 charges, automatic gratuities, credit card surcharges, and
163 delivery fees.

164 (2) Every public food service establishment which charges
165 an operations charge ~~includes an automatic gratuity or service~~
166 ~~charge in the price of the meal~~ shall include a notice on the
167 food menu, written contract, and website or mobile application
168 where food and beverage orders are placed, as applicable, that
169 includes the amount or percentage of the operations charge and
170 the purpose of the operations charge. Such notice must appear in
171 a font that is equal to or greater than the font used for menu
172 item descriptions or the general provisions of the written
173 contract. If the public food service establishment does not
174 provide menus, table service, or written contracts for banquet,
175 catering, or event services, the operations charge notice must
176 appear in an obvious and clearly readable manner on the menu
177 board or on an obvious and clearly readable sign by the register
178 where the customer pays.

179 (3) There must be a notice ~~and~~ on the face of the bill
180 provided to the customer ~~that an operations charge notice that~~
181 ~~an automatic gratuity~~ is included. The notice must clearly state
182 the percentage or amount of the operations charge.

355889

Approved For Filing: 4/29/2025 3:20:29 PM

Amendment No.

(4) Each copy of a receipt that a customer receives must contain separate lines for gratuity, an operations charge, and sales tax so that it is clear to the customer what is being charged. If the operations charge includes an automatic gratuity, it must be separately stated on the receipt.

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

(6) This section does not apply to the purchase of a dining plan or package or fixed-price meal for which the price of the plan or package or meal is disclosed to the customer before purchase.

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

T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to public lodging and public food service establishments; amending s. 509.013, F.S.; revising definitions; amending s. 509.141, F.S.; revising notification requirements for removing guests from public lodging and public food service establishments; revising penalty provisions; amending s. 509.214, F.S.; providing definitions; requiring

355889

Approved For Filing: 4/29/2025 3:20:29 PM

Amendment No.

208 public food service establishments that charge an
209 operations charge to provide specified notice;
210 requiring bills and receipts to contain certain
211 information; prohibiting a private cause of action;
212 providing applicability; providing effective dates.

355889

Approved For Filing: 4/29/2025 3:20:29 PM