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

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

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.

1. "Transient public lodging establishment" means any unit,
group of units, dwelling, building, or group of buildings within
a single complex of buildings which is rented to guests more
than three times in a calendar year for periods of less than 30
consecutive days ~~or 1 calendar month, whichever is less,~~ or

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30 which is advertised or held out to the public as a place
31 regularly rented to guests for periods of less than 30
32 consecutive days.

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

40
41 License classifications of public lodging establishments, and
42 the definitions therefor, are set out in s. 509.242. For the
43 purpose of licensure, the term does not include condominium
44 common elements as defined in s. 718.103.

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

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

58 (14) "Nontransient establishment" means any public lodging

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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:

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

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

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

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

(c) ~~who~~, In the case of a public lodging establishment, fails to make payment of rent at the agreed-upon rental rate by

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88 the ~~agreed-upon~~ checkout time specified in writing by the public
89 lodging establishment;

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

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

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

102
103 The admission to, or the removal from, such establishment shall
104 not be based upon race, creed, color, sex, physical disability,
105 or national origin.

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

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117 or e-mail, using the contact information provided by the guest,
118 or, with respect to a public lodging establishment, upon
119 delivery to the guest's dwelling unit. If the notice is in
120 writing, it shall be as follows:
121

122 "You are hereby notified that this establishment no longer
123 desires to entertain you as its guest, and you are requested to
124 leave at once. To remain after receipt of this notice is a
125 misdemeanor under the laws of this state."
126

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

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

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

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146 guest who remains on the premises of such an establishment after
147 a request by the operator to depart under subsection (2).

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

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

165 509.214 Notification of automatic operations ~~gratuity~~
166 charge and public food service establishment receipts.—

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

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

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

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

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

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

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

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

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

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