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1
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 requiring bills and receipts to contain certain
12 information; prohibiting a private cause of action;
13 providing applicability; providing effective dates.
14

15 Be It Enacted by the Legislature of the State of Florida:
16

17 Section 1. Paragraph (a) of subsection (4) and subsections
18 (11), (12), (14), and (15) of section 509.013, Florida Statutes,
19 are amended to read:

20 509.013 Definitions.—As used in this chapter, the term:

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

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

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

2. "Nontransient 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 for periods of at least 30 consecutive days ~~or 1 calendar month, whichever is less,~~ or which is advertised or held out to the public as a place regularly rented to guests for periods of at least 30 consecutive days ~~or 1 calendar month.~~

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

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

(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

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

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

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

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

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

(2) The operator of a any public lodging establishment or
public food service establishment shall notify the ~~such~~ guest
that the establishment no longer desires to entertain the guest
and shall request that the ~~such~~ guest immediately depart from
the establishment. The ~~such~~ notice may be given orally or in
writing. An operator of a public lodging establishment that
requests that a guest immediately depart due to the guest's
failure to check out or pay for the dwelling unit by check-out
time must provide the notice in writing via e-mail, text
message, or printed paper. The notice is effective upon
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 ~~gratuities~~
166 charge and public food service establishment receipts.—

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

168 (a) "Gratuities" 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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(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.