



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. Section 509.214, Florida Statutes, is amended**  
165 **to read:**

166 509.214 ~~Notification of~~ Automatic gratuity or service  
167 charge.—

168 (1) (a) A ~~Every~~ public food service establishment may  
169 include ~~which includes~~ an automatic gratuity or service charge  
170 in the price of food or beverages for parties of six or more  
171 guests. ~~the meal~~

172 (b) A public food service establishment shall include on  
173 the food menu, ~~and~~ on the face of every bill provided to a  
174 guest, and on the face of every item or receipt required to be  
175 signed by a guest ~~the bill provided to the customer~~ notice that

176 | an automatic gratuity or service charge is included. The notice  
177 | must list the recipient of the gratuity or service charge and  
178 | the percentage the person or business entity is receiving.

179 |       (c) A guest is not required to pay an automatic gratuity  
180 | or service charge pursuant to this subsection if the guest  
181 | requests not to pay such gratuity or service charge.

182 |       (2) A public food service establishment may not include an  
183 | automatic gratuity or service charge in the price of food or  
184 | beverages for parties of fewer than six guests.

185 |       (3) If an automatic or suggested gratuity or service  
186 | charge is based on the price of the food or beverages purchased  
187 | by a guest, it must be based on the price of the food or  
188 | beverages before taxes.

189 |       (4) For purposes of this section, the terms "gratuity" and  
190 | "service charge" include any type of charge or required payment  
191 | other than the price of food or beverages.

192 |       **Section 4.** This act shall take effect July 1, 2025.