

CHAPTER 2025-113

Senate Bill No. 606

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

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

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

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

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

(5) A law enforcement officer may place under arrest and take into custody a guest who violates subsection (3) in the presence of the officer. If a warrant has been issued by the proper judicial officer for the arrest of ~~a any~~ violator of subsection (3), the officer shall serve the warrant, arrest the person, and take the person into custody. Upon arrest, with or without

warrant, the guest ~~is~~ will be deemed to have given up any right to occupancy or to have abandoned such right of occupancy of the premises, and the operator of the establishment may then make such premises available to other guests. However, the operator of the establishment shall employ all reasonable and proper means to care for any personal property which may be left on the premises by the such guest and shall refund any unused portion of moneys paid by the such guest for the occupancy of the such premises.

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

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

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

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

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

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

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

(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.

Approved by the Governor June 2, 2025.

Filed in Office Secretary of State June 2, 2025.