

## Committee on Regulated Industries

### **SB 606 — Public Lodging and Public Food Service Establishments**

by Senator Leek

The bill revises requirements for public lodging establishments. It revises the term “transient public lodging establishment” to mean 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 which is advertised or held out to the public as a place regularly rented to guests for periods of less than 30 consecutive days.

The term “nontransient public lodging establishment” is revised to mean 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 which is advertised or held out to the public as a place regularly rented to guests for periods of at least 30 consecutive days.

Current law does not specify that the rental periods to qualify as a transient or nontransient public lodging establishment are based on consecutive days. The bill also removes references to one calendar month in these definitions.

The terms “transient establishment” and “nontransient establishment” are revised to mean any public lodging establishment that is rented or leased to guests by an operator for transient or nontransient occupancy, respectively. The bill removes the condition that establishment status as transient or nontransient is based on the establishment operator’s intent regarding whether the guest’s stay will be temporary.

The terms “transient occupancy” and “nontransient occupancy” are revised to provide that a guest’s occupancy of a dwelling unit at a hotel, motel, vacation rental, bed and breakfast inn, or timeshare project, as defined in s. 509.242, F.S., is temporary or not temporary, respectively, unless a written rental or leasing agreement expressly states that the unit may be the guest’s sole residence. The bill removes the rebuttable presumption providing that occupancy is a “transient occupancy” or “nontransient occupancy” based on the establishment operator’s intent regarding whether the accommodation will be the guest’s sole residence.

The bill requires written notice, which may be by text, email, or printed paper, when a public lodging establishment notifies a guest to leave because they failed to check out or pay for their unit by the check-out time. 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.

The bill provides that a law enforcement officer may arrest a guest of a public lodging establishment or food establishment who remains after the request to leave has been provided to the guest.

Effective July 1, 2026, the bill requires every public food service establishment which charges an operations charge to include notice of the charge on its food menu, written contract, and website

or mobile application where orders are placed. The term “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.

The notice of a gratuity or operations charge must include the amount or percentage of the operations charge and the purpose of the charge. The notice of the operations charge 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.

Each copy of a customer’s receipt must contain separate lines for the gratuity, operations charge, and sales tax. If the operations charge includes an automatic gratuity, it must be separately stated on the receipt.

If a public food service establishment does not provide menus, table service, or written contracts for banquet, catering, or event services, the 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.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2025, except as otherwise provided.

*Vote: Senate 35-2; House 104-9*