

By Senator Leek

7-00637-25

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1                   A bill to be entitled  
2       An act relating to public lodging and food service  
3       establishments; amending s. 509.013, F.S.; revising  
4       definitions; amending s. 509.141, F.S.; revising the  
5       instances under which the operator of any public  
6       lodging establishment may remove a guest; providing  
7       requirements for the notice an operator of a public  
8       lodging establishment or public food service  
9       establishment may give to a guest under specified  
10      circumstances; making technical changes; requiring a  
11      law enforcement officer to remove a guest who remains  
12      on the premises of any public lodging establishment  
13      after an operator makes a specified request;  
14      authorizing a law enforcement officer to arrest and  
15      take into custody any guest under certain  
16      circumstances; reenacting ss. 196.1978(3)(k),  
17      196.199(1)(a), 212.031(1)(a), 404.056(5),  
18      413.08(1)(c), 480.043(14)(b), (c), and (e), and  
19      559.955(5)(b), F.S., relating to affordable housing  
20      property exemption; government property exemption;  
21      taxes and fees for use of real property; environmental  
22      radiation standards and testing, and notification on  
23      real estate documents; rights and responsibilities of  
24      an individual with a disability, and penalties;  
25      massage establishments, requisites, licensure  
26      inspection, and human trafficking awareness training  
27      and policies; and home-based businesses, local  
28      government, and restrictions, respectively, to  
29      incorporate the amendment made to s. 509.013, F.S., in

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30 references thereto; reenacting s. 721.13(14), F.S.,  
31 relating to management, to incorporate the amendment  
32 made to s. 509.141, F.S., in a reference thereto;  
33 providing an effective date.  
34

35 Be It Enacted by the Legislature of the State of Florida:  
36

37 Section 1. Paragraph (a) of subsection (4) and subsections  
38 (11), (12), (14), and (15) of section 509.013, Florida Statutes,  
39 are amended to read:

40 509.013 Definitions.—As used in this chapter, the term:

41 (4) (a) "Public lodging establishment" includes a transient  
42 public lodging establishment as defined in subparagraph 1. and a  
43 nontransient public lodging establishment as defined in  
44 subparagraph 2.

45 1. "Transient public lodging establishment" means any unit,  
46 group of units, dwelling, building, or group of buildings within  
47 a single complex of buildings which is rented to guests more  
48 than three times in a calendar year for periods of less than 30  
49 consecutive days ~~or 1 calendar month, whichever is less,~~ or  
50 which is advertised or held out to the public as a place  
51 regularly rented to guests for periods of less than 30  
52 consecutive days.

53 2. "Nontransient public lodging establishment" means any  
54 unit, group of units, dwelling, building, or group of buildings  
55 within a single complex of buildings which is rented to guests  
56 for periods of at least 30 consecutive days ~~or 1 calendar month,~~  
57 ~~whichever is less,~~ or which is advertised or held out to the  
58 public as a place regularly rented to guests for periods of at

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59 least 30 consecutive days ~~or 1 calendar month~~.

60

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

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

69 (12) "Transient occupancy" means occupancy that is ~~when it~~  
70 ~~is the intention of the parties that the occupancy will be~~  
71 temporary. A guest's occupancy of a dwelling unit at a hotel,  
72 motel, vacation rental, bed and breakfast inn, or timeshare  
73 project as defined in s. 509.242 is transient unless a written  
74 rental or leasing agreement expressly states that the unit may  
75 be the guest's ~~There is a rebuttable presumption that, when the~~  
76 ~~dwelling unit occupied is not the sole residence of the guest,~~  
77 ~~the occupancy is transient.~~

78 (14) "Nontransient establishment" means any public lodging  
79 establishment that is rented or leased to guests by an operator  
80 for nontransient occupancy ~~whose intention is that the dwelling~~  
81 ~~unit occupied will be the sole residence of the guest.~~

82 (15) "Nontransient occupancy" means occupancy that is not  
83 ~~when it is the intention of the parties that the occupancy will~~  
84 ~~not be temporary. A guest's occupancy of a dwelling unit at a~~  
85 hotel, motel, vacation rental, bed and breakfast inn, or  
86 timeshare project as defined in s. 509.242 is transient unless a  
87 written rental or leasing agreement expressly states the unit

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88 may be the guest's ~~There is a rebuttable presumption that, when~~  
89 ~~the dwelling unit occupied is the sole residence of the guest,~~  
90 ~~the occupancy is nontransient.~~

91 Section 2. Section 509.141, Florida Statutes, is amended to  
92 read:

93 509.141 Refusal of admission and ejection of undesirable  
94 guests; notice; procedure; penalties for refusal to leave.-

95 (1) The operator of any public lodging establishment or  
96 public food service establishment may remove or cause to be  
97 removed from such establishment, in the manner hereinafter  
98 provided, any guest of the establishment who, while on the  
99 premises of the establishment, illegally possesses or deals in  
100 controlled substances as defined in chapter 893 or is  
101 intoxicated, profane, lewd, or brawling; who indulges in any  
102 language or conduct which disturbs the peace and comfort of  
103 other guests or which injures the reputation, dignity, or  
104 standing of the establishment; who, in the case of a public  
105 lodging establishment, fails to make payment of rent at the  
106 agreed-upon rental rate by the ~~agreed-upon~~ checkout time  
107 specified by the public lodging establishment; who, in the case  
108 of a public lodging establishment, fails to check out by the  
109 time specified ~~agreed upon in writing~~ by the ~~guest and~~ public  
110 lodging establishment at check-in unless an extension of time is  
111 agreed to by the public lodging establishment and guest prior to  
112 checkout; who, in the case of a public food service  
113 establishment, fails to make payment for food, beverages, or  
114 services; or who, in the opinion of the operator, is a person  
115 the continued entertainment of whom would be detrimental to such  
116 establishment. The admission to, or the removal from, such

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117 establishment shall not be based upon race, creed, color, sex,  
118 physical disability, or national origin.

119 (2) The operator of any public lodging establishment or  
120 public food service establishment shall notify such guest that  
121 the establishment no longer desires to entertain the guest and  
122 shall request that such guest immediately depart from the  
123 establishment. Such notice may be given orally or in writing.  
124 The notice is effective upon the operator's delivery of the  
125 notice, whether in person, via a telephonic or electronic  
126 communications medium using the contact information provided by  
127 the guest, or, with respect to a public lodging establishment,  
128 upon delivery to the guest's lodging unit. If the notice is in  
129 writing, it shall be as follows:

130  
131 "You are hereby notified that this establishment no longer  
132 desires to entertain you as its guest, and you are requested to  
133 leave at once. To remain after receipt of this notice is a  
134 misdemeanor under the laws of this state."

135  
136 If such guest has paid in advance, the establishment shall, at  
137 the time such notice is given, tender to such guest the unused  
138 portion of the advance payment; however, the establishment may  
139 withhold payment for each full day that the guest has been  
140 entertained at the establishment for any portion of the 24-hour  
141 period of such day.

142 (3) Any guest who remains or attempts to remain in any such  
143 establishment after the operator's request to depart pursuant to  
144 subsection (2) ~~being requested to leave~~ is guilty of a  
145 misdemeanor of the second degree, punishable as provided in s.

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146 775.082 or s. 775.083.

147 (4) If any guest remains ~~person is illegally~~ on the  
148 premises of any public lodging establishment or public food  
149 service establishment after the operator's request to depart  
150 pursuant to subsection (2), the operator of such establishment  
151 may call upon any law enforcement officer of this state for  
152 assistance. It is the duty of such law enforcement officer, upon  
153 the request of such operator, to remove ~~place under arrest and~~  
154 ~~take into custody for violation of this section~~ any guest who  
155 remains on the premises of such an establishment after the  
156 operator's request to depart pursuant to subsection (2).

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

172 Section 3. For the purpose of incorporating the amendment  
173 made by this act to section 509.013, Florida Statutes, in a  
174 reference thereto, paragraph (k) of subsection (3) of section

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175 196.1978, Florida Statutes, is reenacted to read:

176 196.1978 Affordable housing property exemption.—

177 (3)

178 (k) Property receiving an exemption pursuant to s. 196.1979  
179 or units used as a transient public lodging establishment as  
180 defined in s. 509.013 are not eligible for this exemption.

181 Section 4. For the purpose of incorporating the amendment  
182 made by this act to section 509.013, Florida Statutes, in a  
183 reference thereto, paragraph (a) of subsection (1) of section  
184 196.199, Florida Statutes, is reenacted to read:

185 196.199 Government property exemption.—

186 (1) Property owned and used by the following governmental  
187 units shall be exempt from taxation under the following  
188 conditions:

189 (a)1. All property of the United States is exempt from ad  
190 valorem taxation, except such property as is subject to tax by  
191 this state or any political subdivision thereof or any  
192 municipality under any law of the United States.

193 2. Notwithstanding any other provision of law, for purposes  
194 of the exemption from ad valorem taxation provided in  
195 subparagraph 1., property of the United States includes any  
196 leasehold interest of and improvements affixed to land owned by  
197 the United States, any branch of the United States Armed Forces,  
198 or any agency or quasi-governmental agency of the United States  
199 if the leasehold interest and improvements are acquired or  
200 constructed and used pursuant to the federal Military Housing  
201 Privatization Initiative of 1996, 10 U.S.C. ss. 2871 et seq. As  
202 used in this subparagraph, the term "improvements" includes  
203 actual housing units and any facilities that are directly

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204 related to such housing units, including any housing maintenance  
205 facilities, housing rental and management offices, parks and  
206 community centers, and recreational facilities. Any leasehold  
207 interest and improvements described in this subparagraph,  
208 regardless of whether title is held by the United States, shall  
209 be construed as being owned by the United States, the applicable  
210 branch of the United States Armed Forces, or the applicable  
211 agency or quasi-governmental agency of the United States and are  
212 exempt from ad valorem taxation without the necessity of an  
213 application for exemption being filed or approved by the  
214 property appraiser. This subparagraph does not apply to a  
215 transient public lodging establishment as defined in s. 509.013  
216 and does not affect any existing agreement to provide municipal  
217 services by a municipality or county.

218 Section 5. For the purpose of incorporating the amendment  
219 made by this act to section 509.013, Florida Statutes, in a  
220 reference thereto, paragraph (a) of subsection (1) of section  
221 212.031, Florida Statutes, is reenacted to read:

222 212.031 Tax on rental or license fee for use of real  
223 property.—

224 (1)(a) It is declared to be the legislative intent that  
225 every person is exercising a taxable privilege who engages in  
226 the business of renting, leasing, letting, or granting a license  
227 for the use of any real property unless such property is:

- 228 1. Assessed as agricultural property under s. 193.461.
- 229 2. Used exclusively as dwelling units.
- 230 3. Property subject to tax on parking, docking, or storage  
231 spaces under s. 212.03(6).
- 232 4. Recreational property or the common elements of a



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233 condominium when subject to a lease between the developer or  
234 owner thereof and the condominium association in its own right  
235 or as agent for the owners of individual condominium units or  
236 the owners of individual condominium units. However, only the  
237 lease payments on such property shall be exempt from the tax  
238 imposed by this chapter, and any other use made by the owner or  
239 the condominium association shall be fully taxable under this  
240 chapter.

241       5. A public or private street or right-of-way and poles,  
242 conduits, fixtures, and similar improvements located on such  
243 streets or rights-of-way, occupied or used by a utility or  
244 provider of communications services, as defined by s. 202.11,  
245 for utility or communications or television purposes. For  
246 purposes of this subparagraph, the term "utility" means any  
247 person providing utility services as defined in s. 203.012. This  
248 exception also applies to property, wherever located, on which  
249 the following are placed: towers, antennas, cables, accessory  
250 structures, or equipment, not including switching equipment,  
251 used in the provision of mobile communications services as  
252 defined in s. 202.11. For purposes of this chapter, towers used  
253 in the provision of mobile communications services, as defined  
254 in s. 202.11, are considered to be fixtures.

255       6. A public street or road which is used for transportation  
256 purposes.

257       7. Property used at an airport exclusively for the purpose  
258 of aircraft landing or aircraft taxiing or property used by an  
259 airline for the purpose of loading or unloading passengers or  
260 property onto or from aircraft or for fueling aircraft.

261       8.a. Property used at a port authority, as defined in s.

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262 315.02(2), exclusively for the purpose of oceangoing vessels or  
263 tugs docking, or such vessels mooring on property used by a port  
264 authority for the purpose of loading or unloading passengers or  
265 cargo onto or from such a vessel, or property used at a port  
266 authority for fueling such vessels, or to the extent that the  
267 amount paid for the use of any property at the port is based on  
268 the charge for the amount of tonnage actually imported or  
269 exported through the port by a tenant.

270 b. The amount charged for the use of any property at the  
271 port in excess of the amount charged for tonnage actually  
272 imported or exported shall remain subject to tax except as  
273 provided in sub-subparagraph a.

274 9. Property used as an integral part of the performance of  
275 qualified production services. As used in this subparagraph, the  
276 term "qualified production services" means any activity or  
277 service performed directly in connection with the production of  
278 a qualified motion picture, as defined in s. 212.06(1)(b), and  
279 includes:

280 a. Photography, sound and recording, casting, location  
281 managing and scouting, shooting, creation of special and optical  
282 effects, animation, adaptation (language, media, electronic, or  
283 otherwise), technological modifications, computer graphics, set  
284 and stage support (such as electricians, lighting designers and  
285 operators, greensmen, prop managers and assistants, and grips),  
286 wardrobe (design, preparation, and management), hair and makeup  
287 (design, production, and application), performing (such as  
288 acting, dancing, and playing), designing and executing stunts,  
289 coaching, consulting, writing, scoring, composing,  
290 choreographing, script supervising, directing, producing,

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291 transmitting dailies, dubbing, mixing, editing, cutting,  
292 looping, printing, processing, duplicating, storing, and  
293 distributing;

294 b. The design, planning, engineering, construction,  
295 alteration, repair, and maintenance of real or personal property  
296 including stages, sets, props, models, paintings, and facilities  
297 principally required for the performance of those services  
298 listed in sub-subparagraph a.; and

299 c. Property management services directly related to  
300 property used in connection with the services described in sub-  
301 subparagraphs a. and b.

302

303 This exemption will inure to the taxpayer upon presentation of  
304 the certificate of exemption issued to the taxpayer under the  
305 provisions of s. 288.1258.

306 10. Leased, subleased, licensed, or rented to a person  
307 providing food and drink concessionaire services within the  
308 premises of a convention hall, exhibition hall, auditorium,  
309 stadium, theater, arena, civic center, performing arts center,  
310 publicly owned recreational facility, or any business operated  
311 under a permit issued pursuant to chapter 550. A person  
312 providing retail concessionaire services involving the sale of  
313 food and drink or other tangible personal property within the  
314 premises of an airport shall be subject to tax on the rental of  
315 real property used for that purpose, but shall not be subject to  
316 the tax on any license to use the property. For purposes of this  
317 subparagraph, the term "sale" shall not include the leasing of  
318 tangible personal property.

319 11. Property occupied pursuant to an instrument calling for

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320 payments which the department has declared, in a Technical  
321 Assistance Advisement issued on or before March 15, 1993, to be  
322 nontaxable pursuant to rule 12A-1.070(19)(c), Florida  
323 Administrative Code; provided that this subparagraph shall only  
324 apply to property occupied by the same person before and after  
325 the execution of the subject instrument and only to those  
326 payments made pursuant to such instrument, exclusive of renewals  
327 and extensions thereof occurring after March 15, 1993.

328 12. Property used or occupied predominantly for space  
329 flight business purposes. As used in this subparagraph, "space  
330 flight business" means the manufacturing, processing, or  
331 assembly of a space facility, space propulsion system, space  
332 vehicle, satellite, or station of any kind possessing the  
333 capacity for space flight, as defined by s. 212.02(23), or  
334 components thereof, and also means the following activities  
335 supporting space flight: vehicle launch activities, flight  
336 operations, ground control or ground support, and all  
337 administrative activities directly related thereto. Property  
338 shall be deemed to be used or occupied predominantly for space  
339 flight business purposes if more than 50 percent of the  
340 property, or improvements thereon, is used for one or more space  
341 flight business purposes. Possession by a landlord, lessor, or  
342 licensor of a signed written statement from the tenant, lessee,  
343 or licensee claiming the exemption shall relieve the landlord,  
344 lessor, or licensor from the responsibility of collecting the  
345 tax, and the department shall look solely to the tenant, lessee,  
346 or licensee for recovery of such tax if it determines that the  
347 exemption was not applicable.

348 13. Rented, leased, subleased, or licensed to a person

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349 providing telecommunications, data systems management, or  
350 Internet services at a publicly or privately owned convention  
351 hall, civic center, or meeting space at a public lodging  
352 establishment as defined in s. 509.013. This subparagraph  
353 applies only to that portion of the rental, lease, or license  
354 payment that is based upon a percentage of sales, revenue  
355 sharing, or royalty payments and not based upon a fixed price.  
356 This subparagraph is intended to be clarifying and remedial in  
357 nature and shall apply retroactively. This subparagraph does not  
358 provide a basis for an assessment of any tax not paid, or create  
359 a right to a refund of any tax paid, pursuant to this section  
360 before July 1, 2010.

361 Section 6. For the purpose of incorporating the amendment  
362 made by this act to section 509.013, Florida Statutes, in a  
363 reference thereto, subsection (5) of section 404.056, Florida  
364 Statutes, is reenacted to read:

365 404.056 Environmental radiation standards and projects;  
366 certification of persons performing measurement or mitigation  
367 services; mandatory testing; notification on real estate  
368 documents; rules.-

369 (5) NOTIFICATION ON REAL ESTATE DOCUMENTS.-Notification  
370 shall be provided on at least one document, form, or application  
371 executed at the time of, or prior to, contract for sale and  
372 purchase of any building or execution of a rental agreement for  
373 any building. Such notification shall contain the following  
374 language:

375

376 "RADON GAS: Radon is a naturally occurring radioactive gas  
377 that, when it has accumulated in a building in sufficient

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378 quantities, may present health risks to persons who are exposed  
379 to it over time. Levels of radon that exceed federal and state  
380 guidelines have been found in buildings in Florida. Additional  
381 information regarding radon and radon testing may be obtained  
382 from your county health department.”

383

384 The requirements of this subsection do not apply to any  
385 residential transient occupancy, as described in s. 509.013(12),  
386 provided that such occupancy is 45 days or less in duration.

387 Section 7. For the purpose of incorporating the amendment  
388 made by this act to section 509.013, Florida Statutes, in a  
389 reference thereto, paragraph (c) of subsection (1) of section  
390 413.08, Florida Statutes, is reenacted to read:

391 413.08 Rights and responsibilities of an individual with a  
392 disability; use of a service animal; prohibited discrimination  
393 in public employment, public accommodations, and housing  
394 accommodations; penalties.-

395 (1) As used in this section and s. 413.081, the term:

396 (c) “Public accommodation” means a common carrier,  
397 airplane, motor vehicle, railroad train, motor bus, streetcar,  
398 boat, or other public conveyance or mode of transportation;  
399 hotel; a timeshare that is a transient public lodging  
400 establishment as defined in s. 509.013; lodging place; place of  
401 public accommodation, amusement, or resort; and other places to  
402 which the general public is invited, subject only to the  
403 conditions and limitations established by law and applicable  
404 alike to all persons. The term does not include air carriers  
405 covered by the Air Carrier Access Act of 1986, 49 U.S.C. s.  
406 41705, and by regulations adopted by the United States

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407 Department of Transportation to implement such act.

408 Section 8. For the purpose of incorporating the amendment  
409 made by this act to section 509.013, Florida Statutes, in  
410 references thereto, paragraphs (b), (c), and (e) of subsection  
411 (14) of section 480.043, Florida Statutes, are reenacted to  
412 read:

413 480.043 Massage establishments; requisites; licensure;  
414 inspection; human trafficking awareness training and policies.—

415 (14) In order to provide the department and law enforcement  
416 agencies the means to more effectively identify persons engaging  
417 in human trafficking at massage establishments, the following  
418 apply:

419 (b) If there is an outside window or windows into the  
420 massage establishment's reception area, the outside window or  
421 windows must allow for at least 35 percent light penetration and  
422 no more than 50 percent of the outside window or windows may be  
423 obstructed with signage, blinds, curtains, or other  
424 obstructions, allowing the public to see the establishment's  
425 reception area. A sign must be posted on the front window of the  
426 establishment that includes the name and license number of the  
427 massage establishment and the telephone number that has been  
428 provided to the department as part of licensure of the  
429 establishment. This paragraph does not apply to:

430 1. A massage establishment within a public lodging  
431 establishment as defined in s. 509.013(4).

432 2. A massage establishment located within a county or  
433 municipality that has an ordinance that prescribes requirements  
434 related to business window light penetration or signage  
435 limitations if compliance with this paragraph would result in

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436 noncompliance with such ordinance.

437 (c) All employees within the massage establishment must be  
438 fully clothed, and such clothing must be fully opaque and made  
439 of nontransparent material that does not expose the employee's  
440 genitalia. This requirement does not apply to an employee,  
441 excluding a massage therapist, of a public lodging  
442 establishment, as defined in s. 509.013(4), that is licensed as  
443 a clothing-optional establishment and chartered with the  
444 American Association for Nude Recreation.

445 (e) A massage establishment must conspicuously display a 2  
446 inch by 2 inch photo for each employee, which, for massage  
447 therapists, must be attached to the massage therapist's license.  
448 Such display must also include the employee's full legal name  
449 and employment position. All information required under this  
450 paragraph must be displayed before the employee may provide any  
451 service or treatment to a client or patient. A massage  
452 establishment within a public lodging establishment as defined  
453 in s. 509.013(4) may satisfy this requirement by displaying the  
454 photos and required information in an employee break room or  
455 other room that is used by employees, but is not used by clients  
456 or patients.

457 Section 9. For the purpose of incorporating the amendment  
458 made by this act to section 509.013, Florida Statutes, in a  
459 reference thereto, paragraph (b) of subsection (5) of section  
460 559.955, Florida Statutes, is reenacted to read:

461 559.955 Home-based businesses; local government  
462 restrictions.—

463 (5) The application of this section does not supersede:

464 (b) Local laws, ordinances, or regulations related to



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465 transient public lodging establishments, as defined in s.  
466 509.013(4)(a)1., that are not otherwise preempted under chapter  
467 509.

468 Section 10. For the purpose of incorporating the amendment  
469 made by this act to section 509.141, Florida Statutes, in a  
470 reference thereto, subsection (14) of section 721.13, Florida  
471 Statutes, is reenacted to read:

472 721.13 Management.—

473 (14) With regard to any timeshare project as defined in s.  
474 509.242(1)(g), the managing entity or manager has all of the  
475 rights and remedies of an operator of any public lodging  
476 establishment or public food service establishment as set forth  
477 in ss. 509.141-509.143, and 509.162 and is entitled to have a  
478 law enforcement officer take any action, including arrest or  
479 removal from the timeshare property, against any purchaser,  
480 including a deeded owner, or guest or invitee of such purchaser  
481 or owner who engages in conduct described in s. 509.141, s.  
482 509.142, s. 509.143, or s. 509.162 or conduct in violation of  
483 the timeshare instrument.

484 Section 11. This act shall take effect July 1, 2025.