

2019 LEGISLATIVE REPORT



FLORIDA
RESTAURANT &
LODGING
ASSOCIATION



VACATION RENTALS

DIED IN COMMITTEE

SB 812 by Senator Simmons (R-Longwood)

SB 814 by Senator Simmons (R-Longwood)

SB 1196 by Senator Mayfield (R-Melbourne)

SB 824 by Senator Diaz (R-Hialeah Gardens)

HB 987 by Representative Grant (J) (R-Tampa)

HB 1129 by Representative LaMarca (R-Lighthouse Point)

In 2011, Florida preempted vacation rental regulation to the state preventing local governments from enacting any new law that restricted the use of vacation rentals, prohibited vacation rental, or regulated vacation rentals based on their classification, use or occupancy. In 2014, the Legislature revised the preemption of 2011 so that local governments can regulate vacation rentals, provided the regulations do not regulate the duration or frequency of vacation rentals.

Several bills were filed in the 2019 session outlining different methods of addressing vacation rental regulation. The only proposal to make significant progress was HB 987. HB 987 would preempt all regulation of vacation rentals to the state, wiping out all existing local ordinances. This bill progressed all the way to the House floor but was never heard or voted on. Bills that would comprehensively address this issue or institute reasonable regulations on hosting platforms failed to receive committee hearings.

HUMAN TRAFFICKING

PASSED

SB 540 by Senator Book (D-Plantation)

HB 851 by Representative Fitzenhagen (R-Fort Myers)

Estimates show that thousands of men, women and children are trafficked in the United States each year. These traffickers often rely on legitimate businesses to sustain their operations and infrastructure.

Unfortunately, hotels are one of the venues that traffickers use to exploit their victims. This criminal activity presents a great risk for the safety and security of hotel businesses, as well as legitimate customers. With millions of visitors coming to our state each year, Florida's hospitality industry must serve as a leader in the fight to combat human trafficking, and it is critical that our industry continues to raise awareness through education and training.

SB 540 and HB 851 contain a requirement for mandatory training for specified public lodging establishment employees and massage establishments. These bills originally included a limited measure of immunity from vicarious liability for those establishments who have conducted the required training. The limited immunity provision was removed very late in the process.

The hospitality industry welcomes the opportunity to play a significant role in identifying and reporting instances of trafficking. We will continue collaborating with our state and local community partners to find meaningful solutions to eradicate this horrible crime.

VISIT FLORIDA

PASSED

SB 178 by Senator Gruters (R-Sarasota)

HB 6031 by Representative Ponder (R-Fort Walton Beach)

VISIT FLORIDA plays a key role in feeding and growing Florida's strong tourism industry. The enabling legislation for VISIT FLORIDA is scheduled to sunset in 2019. This means that if no legislative action is taken, VISIT FLORIDA would no longer exist. SB 178 and HB 6031 were filed to remove the sunset language and allow VISIT FLORIDA to continue indefinitely.

The House and Senate displayed significant disagreement in this area. The Senate was quick to pass legislation to prevent VISIT FLORIDA from sunseting and decisive in its decision to allocate \$50 million for VISIT FLORIDA. The House displayed considerable reluctance to allow VISIT FLORIDA to continue to operate. Following budget conference, the chambers agreed to fund VISIT FLORIDA in the amount of \$50 million and extend the sunset date out to June 2020.

RESTRICTIVE SCHEDULING/CONDITIONS OF EMPLOYMENT

DIED IN COMMITTEE

SB 432 by Senator Gruters (R-Sarasota)

HB 847 by Representative Rommel (R-Naples)

“Predictive Scheduling” (Restrictive Scheduling is perhaps a more accurate title) refers to laws and ordinances that mandate specific employee scheduling practices and levy penalties for violations. The intention of these laws is good – wanting to provide stability and predictability to employees in the retail and restaurant industries. In practice, these regulations hamper employers' ability to respond to the needs and demands of their businesses. Further, it takes away the flexibility many employees in these industries desire. It also limits their ability to pick up additional shifts and make more money when their schedules allow.

This legislation would prohibit local regulation of employer scheduling practices and other conditions of employment. Despite strong initial progress and significant efforts to address concerns raised, the bills died in committee in both the House and Senate.

ATTORNEY FEES

PASSED

SB 1140 by Senator Hutson (R-Palm Coast)

HB 829 by Representative Sabatini (R-Howey-in-the-Hills)

Under Florida law, local government entities enjoy a broad authority to self-govern, also called home rule. But this authority is not absolute. It is well within the power of the state legislature to limit local government entities through preemption. Preemptions must be clear and specific, and they serve to prevent a patchwork of regulation that can hamper the ability to serve customers and operate efficiently and effectively.

The legislature does not preempt local authority without a significant level of scrutiny and consideration. When preemptions are adopted, Florida's businesses must be able to rely on these preemptions as they operate. When local governments pass ordinances which violate preemptions, it can cost the business a considerable amount of money to challenge the invalid local ordinance. Most businesses choose instead to comply with the invalid local ordinance.

Under SB 1140 and HB 829, businesses can recover attorney fees, costs and damages when they are forced to challenge local ordinances that violate express preemptions adopted by the state legislature. While it is rare that such action is necessary, this will serve as a tool to assist businesses who need the consistency and predictability that a lawfully adopted express preemption provides.

STRAWS

PASSED

SB 588 by Senator Hutson (R-Palm Coast)

HB 603 by Representative Sabatini (R-Howey-in-the-Hills)

HB 1299 by Representative Roach (R-North Fort Myers)

HB 771 by Representative Overdorf (R-Stuart)

SB 816 by Senator Perry (R-Gainesville)

There has been a recent spate of local straw regulations. These local regulations are inconsistent and create confusion regarding how a business can and should address the issue of plastic straws. We support the right of our members to respond to the needs of their customers and the demands of their community in the manner they see fit.

Legislation addressing straw regulation has taken many different forms this session, from a “request - only” policy throughout Florida to a moratorium on local straw regulation with a required study of the impact of straws and straw regulation. The language that ultimately passed in House Bill 771 establishes a moratorium on local straw regulation until July 1, 2024. It also requires a study of the ordinances and regulations local governments have adopted regarding plastic straws and the information local governments relied on in adopting their respective regulations. The study must be submitted to the Senate President and House Speaker by December 1, 2019.

LOST AND ABANDONED PROPERTY

PASSED

SB 180 by Senator Stargel (R-Lakeland)

HB 423 by Representative Roach (R-North Fort Myers)

The legislation creates an alternative means for theme parks, entertainment complexes, zoos, museums, aquariums, public food service establishments, and public lodging establishments to dispose of personal property that is lost or abandoned at their facilities.

COOPERATIVE ADVERTISING

DIED IN COMMITTEE

SB 242 by Senator Hutson (R-Palm Coast)

HB 261 by Representative Tomkow (R-Auburndale)

This legislation would create an exemption to “tied house evil” prohibitions and permit manufacturers and vendors to engage in cooperative advertising. The House version made it all the way to the floor. The Senate version failed to get a committee hearing.

QUESTIONS?

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