



2020 Legislative Report

VACATION RENTALS

DIED

SB 1128 by Senator Diaz (R-Hialeah)

HB 1011 by Representative Fischer (R-Jacksonville)

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 could regulate vacation rentals, provided the regulations do not regulate the duration or frequency of vacation rentals. Since that time, there has continued to be a great deal of turmoil regarding the regulation of vacation rentals and vacation rental hosting platforms.

FRLA did not support the bills as filed because the legislation did not strike the right balance in regard to vacation rental and hosting platform regulations. FRLA supported significant amendments to the bill, which included provisions such as: requiring a hosting platform to affirmatively verify the license and registration of all units advertised on its platform; requiring the hosting platform to collect and remit taxes for the units rented through its platform; and requiring hosting platforms to remove illegal rental listings. While the bills as amended did not include all the provisions for which we advocated, we felt it was a huge step in the right direction. We supported the amended version of the bills.

Due to continued concerns regarding local control of vacation rentals, the bills stalled in both the House and Senate and ultimately died. We will continue to advocate for this issue in future sessions to ensure that all Florida visitors enjoy a safe, lawful and high-quality lodging experience, no matter where they choose to stay.

VISIT FLORIDA

PASSED

SB 362 by Senator Hooper (R-Clearwater)

HB 213 by Representative Ponder (R-Fort Walton Beach)

VISIT FLORIDA plays a key role in feeding and growing Florida's strong tourism industry. After receiving a one-year re-authorization in the 2019 legislative session, additional legislation would be necessary to allow VISIT FLORIDA to continue. This means that if no legislative action was taken, VISIT FLORIDA would no longer exist. SB 362 and HB 213 were filed to re-authorize VISIT FLORIDA for eight years.

The Senate demonstrated significant support for VISIT FLORIDA, passing SB 362 unanimously. Having never heard HB 213 in committee, the House passed an amendment to SB 362 to re-authorize VISIT FLORIDA for three years. The Senate concurred with the House amendment. Under SB 362, re-authorization for VISIT FLORIDA will expire in October 2023. Following budget conference and negotiations between the House and Senate, the chambers agreed to fund VISIT FLORIDA in the amount of \$50 million.

TOURIST DEVELOPMENT TAX EXPANSION

DID NOT PASS

HB 7097 by Representative Avila (R-Miami Springs)

House Bill 7097 was the House's "Tax Package", meaning that it is comprised entirely of issues relating to taxation. House Bill 7097 was filled with tax relief provisions that are supported by both citizens and corporations alike (e.g. – sales tax holidays and tax reductions).

Unfortunately, it also contained a provision that would considerably expand how Tourist Development Tax (TDT) revenues can be used. HB 7097 would allow counties to use TDT revenues for water quality improvement projects. It also contained provisions that specifically dictate how TDT revenues in Miami-Dade County can be used.

The Tourist Development Tax was adopted in 1977 specifically for the purpose of promoting and marketing tourism. Since that time, the uses for TDT revenues have been expanded several times. The proposed expansion for water quality projects was not limited in any way, and it could easily drain the existing revenues. Despite the noble purpose of the expansion, we vociferously opposed this expansion.

HB 7097 passed, but the section allowing for the TDT expansion for water quality improvements in all counties was removed. The provisions relating specifically to the allocation of TDT revenues in Miami-Dade County were also removed from the bill.

E-VERIFY

PASSED

SB 664 by Senator Lee (R-Brandon)

HB 1265 by Representative Byrd (R-Jacksonville Beach)

Existing federal and Florida law prohibits an employer from knowingly employing an individual who is not authorized to work in the United States. Legislation filed in the House and Senate sought to increase compliance with immigration laws by requiring all employers to use E-verify, an electronic employment verification system operated by the US Department of Homeland Security. Governor Ron DeSantis has indicated strong support for the broad adoption of E-verify.

The bill requires all public employers, contractors and subcontractor to register and use E-verify to confirm employment eligibility for all new employees as of July 1, 2021. It requires all those who apply for an economic development incentive with the Department of Economic Opportunity to register and use E-verify for all new employees as of July 1, 2020.

Private employers are required to verify employment eligibility of new employees as of January 21, 2021 using E-verify or Form I-9 verification. The employer must keep a copy of the documentation provided for I-9 verification for a period of at least three years.

RESTRICTIVE SCHEDULING/CONDITIONS OF EMPLOYMENT

DIED IN COMMITTEE

SB 1126 by Senator Gruters (R-Sarasota)

HB 305 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. This legislation died in its third committee of reference in the House, and it did not receive a hearing in the Senate. We will continue to advocate for this legislation in future sessions.

QUESTIONS?

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