



COVID-19 LIABILITY PROTECTION

PASSED AND SIGNED INTO LAW

SB 72 by Senator Brandes (R-St. Petersburg)

HB 7 by Representative McClure (R-Dover)

Covid-19 Liability Protection legislation has been signed by the Governor and is now the law in Florida. This legislation says that if a business demonstrates a good faith effort to comply with existing rules, regulations, and guidance regarding Covid-19 safety and sanitation, the business is immune from liability.

If it is determined that a business does not make a good faith effort to comply with existing guidance and regulations in order to protect the establishment, its employees, and its customers, then it is possible a lawsuit against the business would be allowed to proceed forward. If the lawsuit moves forward, the plaintiff will have to prove by clear and convincing evidence that the business acted with gross negligence. This means the plaintiff must prove to a reasonable certainty that a business acted recklessly.

This legislation protects Florida businesses from meritless lawsuits as they struggle to survive and thrive in the wake of the pandemic.

ALCOHOL TO-GO

PASSED

SB 148 by Senator Bradley (R-Fleming Island)

HB 329 by Representative Josie Tomkow (R-Polk City)

During the pandemic, Governor DeSantis' executive order permitted restaurants with special restaurant liquor licenses to engage in the sale of alcoholic beverages, including mixed drinks, with takeout and delivery orders. This was very beneficial for restaurants that struggled to stay open.

This legislation codifies the provisions of the executive order, allowing establishment with special restaurant liquor license to sell alcoholic beverages for take-out and delivery on a permanent basis. The bill includes specific requirements for how these beverages should be packaged and delivered.

VISIT FLORIDA FUNDING

PASSED

Following budget conference and negotiations between the House and Senate, the chambers agreed to fund VISIT FLORIDA in the amount of \$50 million. These funds will be designated as non-recurring. In addition to the \$50 million appropriation, VISIT FLORIDA will also receive an additional \$25 million in federal relief dollars. This additional funding will be crucial as the state works to revitalize its tourism industry.

TOURIST DEVELOPMENT TAX / CONVENTION DEVELOPMENT TAX

DIED

SB 2008 by Senator Diaz (R-Hialeah)

HB 1429 by Representative Avila (R-Miami Springs)

HB 7061 by House Ways and Means Committee

As filed, SB 2008 and HB 1429 would allow counties to use TDT and CDT revenues for flood mitigation projects or improvements. 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 flood mitigation 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. The House bill passed on the floor, but the Senate bill stalled in committee. Seeking a new path for passage, the language of the House bill was grafted onto the House Tax Package (HB 7061). The tax package passed, but this provision was not included.

VACATION RENTALS

DIED

SB 522 by Senator Diaz (R-Hialeah)

HB 219 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 rentals, 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 supported this legislation because we felt it made significant positive progress on this issue. The bills included the following provisions that we have long supported: 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; requiring platforms to submit quarterly reports to DBPR that include the physical addresses of advertised units;

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.

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.

DATA PRIVACY

DIED

SB 1743 by Senator Bradley (R-Fleming Island)

HB 929 by Representative McFarland (R-Sarasota)

The Data Privacy legislation was filed due to concerns regarding how consumer information is being used, shared, or sold. The legislation would impact how companies use, store, share, and sell consumer data. It would allow consumers to request a list of their personal information maintained by a covered business. Businesses would be required to respond to such inquiries timely and delete such information upon request. There were significant concerns raised regarding the cost of compliance and the potential negative impacts for small and medium-sized businesses. The House and Senate versions contained differing enforcement provisions.

STATE PREEMPTION OF SEAPORT REGULATION

PASSED

SB 462 by Senator Boyd (R-Bradenton)

HB 267 by Representative Roach (R-North Fort Myers)

SB 1194 by Senator Hooper (R-Palm Harbor)

Three cruise ship restrictions were adopted via ballot referendum in the City of Key West last November. The restrictions ban from Key West any cruise ship with the capacity to carry 1,300 persons or more and cap total disembarkations from all cruise ships in Key West on any given day to 1,500 persons. These restrictions effectively close Key West to 95% of the cruise ships that used to stop there. As filed, HB 267 and SB 426 would prohibit a local government from restricting or regulating commerce in Florida seaports, while ensuring that local port authorities maintained the ability to conduct their business affairs. SB 426 passed the Senate, but the bill stalled in the House. During the last week of the legislative session, however, an amendment was placed on a broader transportation bill, SB 1194, containing the most critical piece of the seaport preemption bill.

The amendment prohibits a local ballot referendum from restricting maritime commerce in a Florida seaport, including any restriction based on a ship's size, number of passengers, etc. This would apply to ballot measures in both counties and cities. If signed into law as part of SB 1194, the amendment would invalidate any prior or future referenda restricting maritime commerce, thus nullifying the three restrictions in place in Key West. SB 1194 will go to Governor DeSantis for his consideration in the coming weeks.

OTHER BILLS OF INTEREST

SB 50 requires the collection of sales taxes on all internet sales transactions. The revenues from this collection will be used to replenish the state's Unemployment Compensation Trust Fund, saving employers from a significant increase in unemployment compensations taxes. Once the trust fund is replenished, the business rent tax rate will be reduced from 5.5 percent to 2.0 percent. SB 50 has been signed into law by Governor DeSantis.

HB 919 prohibits municipalities, counties, special districts, or other political subdivisions from restricting or prohibiting types or fuel sources of energy production used, delivered, converted, or supplied by certain entities to customers. This bill will prevent local governments from eliminating natural gas as a fuel for generating heat and electricity. The bill passed the legislature.

SB 2006 makes some significant changes to emergency management powers. It seeks to place reasonable limitations on the duration of declarations of emergency. It requires emergency orders to be readily available on a dedicated webpage. It discourages duplicative or unnecessary local declarations. It clarifies that individuals traveling to and from work are not in violation of any emergency curfews in place. It codifies the prohibition on requiring patrons and consumers to provide proof of vaccination, including a fine for violations. This bill passed the legislature.

QUESTIONS?

CONTACT FRLA GOVERNMENT RELATIONS TEAM AT 850-224-2250:
RICHARD TURNER, SENIOR VP OF LEGAL AND LEGISLATIVE AFFAIRS AT EXT. 248
SAMANTHA PADGETT, GENERAL COUNSEL AT EXT. 228
MARY ROSE MCCARRON, LEGISLATIVE ANALYST AND EVENT COORDINATOR AT EXT. 225