



**FLORIDA
RESTAURANT &
LODGING
ASSOCIATION**

Florida Restaurant and Lodging Association

2022 Legislative Report



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Questions?

If you have questions or require additional information, please contact Nicolette Hoffman at nhoffman@frla.org or **850-224-2250 ext. 225**.



2022 Legislative Report

Extension of VISIT FLORIDA and Funding

PASSED

SB 434 by Senator Hooper (R-Clearwater)

HB 489 by Representative Chaney (R-St. Pete Beach)

Without these bills, VISIT FLORIDA would cease to exist as an entity as of 2023. This legislation extends the repeal date for VISIT FLORIDA until 2028. VISIT FLORIDA will also receive funding in the amount of \$50 million. This is a non-recurring appropriation, which means it must be sought and re-approved every year.

FRLA supported this legislation.

Tourist Development Tax

DIED

SB 1542 by Senator Gainer (R-Panama City)

HB 673 by Representative Shoaf (R-Port St. Joe)

This legislation permits fiscally constrained coastal counties to use 10% of TDT revenues collected to offset the cost of public safety services that result from increased tourism and visitors.

The House bill passed two committees, and the Senate bill was never heard.

FRLA opposed this legislation.

Reduced Seating for SFS Licenses

DIED

SB 924 by Senator Bradley (R-Fleming Island)

HB 715 by Representative Tomkow (R-Polk City)

This legislation reduces the number of required seats for an SFS license from 150 to 100 seats. It allows restaurateurs to respond to changing trends in the industry regarding the size of an establishment. It allows restaurateurs to adapt their existing layout to allow customers more space and reflect changes in their business model. The change in the seating requirement makes more establishments eligible to participate in Alcohol-To-Go, which can make a significant difference in their financial success. Under this legislation, SFS licensees are still required to have 2500 square feet and maintain 51% of sales from food and non-alcoholic beverages.

The House passed its bill. The Senate never heard its bill and did not take up the House bill.

FRLA supported this legislation.



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Vacation Rentals

DIED

SB 512 by Senator Burgess (R-Zephyrhills)

HB 325 by Representative Fischer (R-Jacksonville)

In 2011, Florida preempted vacation rental regulation to the state, preventing local governments from enacting any new law that restricts the use of vacation rentals, prohibits vacation rentals, or regulates 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 supports many parts of this legislation because we feel it makes significant positive progress on this issue. The bills include provisions that we strongly support, such as allowing a local registry, requiring a hosting platform to affirmatively verify the license and registration of all units advertised on its platform, and requiring the hosting platform to collect and remit taxes for the units rented through its platform. However, the bills do not include provisions we felt are necessary, such as quarterly reporting to DBPR and meaningful penalty provisions.

The bills stalled in both the House and Senate and ultimately died. We will continue to advocate for meaningful legislation on 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.

FRLA supported many parts of this legislation but opposed the legislation overall because it did not include necessary provisions.

Data Privacy

DIED

SB 1864 by Senator Bradley (R-Fleming Island)

HB 9 by Representative McFarland (R-Sarasota)

The Data Privacy legislation was filed due to concerns regarding how consumer information is being used, shared, or sold. This legislation impacts how companies share and sell consumer data. It allows consumers to request a list of their personal information maintained by a covered business. Businesses are required to respond to such inquiries timely and delete such information upon request. There were significant concerns regarding the cost of compliance and the House's inclusion of a private right of action as a method of enforcement.

FRLA opposed this legislation.



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Individual Freedom

PASSED

SB 148 by Senator Diaz (R-Hialeah Gardens)

HB 7 by Representative Avila (R-Miami Springs)

This legislation determines how issues related to race, color, sex, or national origin may be addressed in school instruction. It further determines how issues related to race, color, sex, or national origin may be addressed in employment training and instruction. This legislation may impact the content of corporate diversity, equity, and inclusion training.

FRLA did not take a position on this legislation.

Home Kitchens

DIED

SB 1158 by Senator Jones (D-West Park)

HB 707 by Representative Learned (D-Brandon)

This legislation allows food prepared in residential kitchens to be available for commercial sale and delivery.

FRLA opposed this legislation.

Prohibition on Hourly Rentals of Public Lodging Establishments

PASSED

SB 1852 by Senator Bradley (R-Fleming Island)

HB 1439 by Representative Toledo (R-Tampa)

HB 898 by Senator Stewart (D-Orlando)

In an effort to further Florida's efforts to prevent human trafficking, this legislation prohibits the hourly rental of public lodging establishments. FRLA supported this provision because it is consistent with the position we've taken as an industry and as an association to be part of the solution for preventing human trafficking in the state of Florida. FRLA was successful in advocating for the removal of a provision that would require guests to present their IDs upon check-in.

FRLA supported the prohibition of the hourly rental of public lodging establishments.



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Swim-Up Bars

DIED

SB 1044 by Senator Hooper (R-Clearwater)

HB 719 by Representative Smith (D) (R-Winter Springs)

Currently, the Florida Building Code does not contain standards for swim-up bars. This means any establishment wishing to construct a swim-up bar on its premises must seek a special variance to do so. FRLA supports requiring the Florida Building Commission to adopt requirements and procedures for the approval of swim-up bars at commercial and public pool locations. This will clarify the requirements and streamline the approval and construction process.

The House bill passed two committees, but failed to move in the Senate.

FRLA supported this legislation.

Local Ordinances

DIED

SB 280 by Senator Hutson (R-St. Augustine)

HB 403 by Representative Giallombardo (R-Cape Coral)

This legislation requires local governments to do a business impact estimate before enacting a local ordinance that would impact businesses. It also allows enforcement of an ordinance to be suspended if its validity is being challenged in court on the basis that it is preempted or is arbitrary or unreasonable.

FRLA supported this legislation.

Business Damages

PASSED

SB 620 by Senator Hutson (R-St. Augustine)

HB 569 by Representative McClure (R-Dover)

Under this legislation, local government entities could be required to pay monetary damages to a business if a city or county enacts an ordinance that results in a 15 percent reduction of the business's profits. Such a claim could be made against a city or county only under specified circumstances, and certain exemptions and exceptions apply.

FRLA did not take a position on this bill.



2022 Legislative Report

Tax Package

PASSED

HB 7071 by House Ways & Means Committee

HB 7071 is the Tax Package passed by the legislature this year. This tax package includes numerous sales tax holidays and sales tax exemptions that will benefit Florida citizens. FRLA worked with the House and Senate to make sure that the exemption for theme parks and public lodging establishments was maintained in this package. This means that these establishments will not have to assume the cost and burden of re-programming their point-of-sale systems for all of the sales tax holidays. However, theme parks and public lodging establishments will be required to participate in the extended sales tax exemptions for diapers, toddler and baby clothes, and children's books.

FRLA was also successful in its efforts to prevent the addition of a 1% sales tax on food and beverage in restaurants in three Miami-Dade County municipalities. If adopted, this additional tax would have resulted in an \$11 million tax increase for Florida consumers.

Grease Traps

PASSED

SB 1110 by Senator Rouson (D-St. Petersburg)

HB 1177 b Representative Chaney (R-St. Pete Beach)

This legislation is intended to ensure that grease waste is removed and disposed of properly by placing additional responsibilities and record-keeping requirements on grease haulers. FRLA worked with the House bill sponsor, Representative Linda Chaney, to make sure this bill did not inflict additional burdens on restaurateurs.

