



# LEGISLATIVE REPORT

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# 2023



**FLORIDA  
RESTAURANT &  
LODGING  
ASSOCIATION**

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# FRLA 2023 Legislative Report

## Housing

### **PASSED, SIGNED INTO LAW**

*SB 102 by Senator Calatayud (R-Miami)*

*HB 627 by Representative Busatta Cabrera (R-Coral Gables)*

In addition to full funding for the Sadowski Fund, SB 102 provides additional funding dedicated to the development and availability of affordable rental housing. This legislation provides incentives and removes barriers to the development of workforce housing in Florida. This bill has already been signed into law by the Governor.

**FRLA supported this legislation.**

## Tort Reform

### **PASSED, SIGNED INTO LAW**

*SB 236 by Senator Hutson (R-Palm Coast)*

*HB 837 by Representative(s) Fabricio (R-Miami Lakes) and Gregory (R-Lakewood Ranch)*

This very impactful legislation that will go a long way towards stemming the tide of rampant lawsuits in Florida. HB 837 includes the following significant provisions:

- Reducing the statute of limitations for negligence actions from 4 years to 2;
- Requiring the true amount of damages claimed by a plaintiff to be shown to the jury, rather than an inflated amount; and
- Applying comparative fault principles in negligent security cases, making property owners liable only for damages they actually cause.

## Special Food Service Liquor Licenses

### **PASSED**

*SB 1262 by Senator Martin (R-Fort Myers)*

*HB 639 by Representative Esposito (R-Fort Myers)*

SFS Licensees must sell 51 percent food or non-alcoholic beverages, have 2,500 sq. ft., and 150 seats. HB 639 reduces the square footage requirement for SFS licensees to 2,000. It reduces the seating requirement from 150 to 120. It specifies that there must be 120 physical seats. This legislation will support restaurant profitability, rebuilding, and development.

**FRLA supported this legislation.**



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# FRLA 2023 Legislative Report

## Human Trafficking

### **PASSED**

*SB 7064 by Fiscal Policy*

*HB 7045 by Judiciary Committee; Representative Overdorf (R-Stuart)*

SB 7064 establishes a civil cause of action for human trafficking. The civil cause of action does not extend to hotels or other businesses.

### **PASSED**

*SB 1690 by Senator Ingoglia (R-Spring Hill)*

*HN 1557 by Representative Salzman (R-Pensacola)*

SB 1690 changes the enforcement provisions of the human trafficking training statute by reducing the window of time allowed for compliance for first-time violations from 90 days to 45 days. Second and subsequent violations will not be granted the ability to cure, and administrative fines will become immediately applicable. It does reset the clock regarding first time violations, applying this new enforcement structure to violations accrued after July 1, 2023.

**FRLA supported this legislation.**

## VISIT FLORIDA

### **FUNDED**

The House put forth a comprehensive legislative proposal that would have fundamentally changed how tourism marketing is funded and how those funding dollars are allocated. Ultimately, that proposal was set aside, and the Senate and House agreed to fund VISIT FLORIDA in the amount of \$80 million from general revenue.

**FRLA supported the funding of VISIT FLORIDA from general revenue.**

## Temporary Commercial Kitchens

### **PASSED**

*SB 752 by Senator Calatayud (R-Miami)*

*HB 415 by Representative Porras (R-Miami)*

*(Temporary Commercial Kitchens Cont. to next page)*



# FRLA 2023 Legislative Report

*(Temporary Commercial Kitchens Cont.)*

Temporary commercial kitchens are temporary structures that have the capacity to serve as full-capacity kitchens. Under SB 752, temporary commercial kitchens may be used in the following ways:

- On premises of a permanent licensed food service establishment to expand kitchen capacity;
- On premises, or within the line of sight of, a permanent licensed food service establishment during renovation, repair, or rebuild of the permanent establishment;
- For property rendered uninhabitable by natural disasters, as nearby as reasonably practicable for the period of renovation, repair, or rebuild of the permanent licensed premises; and
- For independent operation or market testing, use cannot exceed 30 days in one location.

SB 752 provides for regular location notification to DBPR to facilitate inspection and food safety compliance.

**FRLA worked to amend this legislation to its current form and supported the amended legislation.**

## Vacation Rentals

### **DIED**

*SB 714 by Senator DiCeglie (R-St. Petersburg)*

*HB 833 by Representative Duggan (R-Jacksonville)*

SB 714 as passed by the Senate includes the following provisions:

- Requires advertising platforms to collect and remit bed taxes;
- Requires advertising platforms to list the vacation rental license number on the advertisement of the unit;
- Allows local governments the option to establish a robust local registration system for vacation rentals;
- Requires advertising platforms to confirm licensure of units being advertised;
- Gives emergency rulemaking power to Department of Revenue; and
- Allocates funds for six additional full-time employees at DBPR to address this legislation.

While we were not successful in adding data transparency to this legislation, FRLA feels the Senate version is a meaningful step in the right direction.

**The House refused to take the Senate's position on this issue, and the bill died.**



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# FRLA 2023 Legislative Report

## E-Verify

### PASSED

*SB 1718 by Senator Ingoglia (R-Spring Hill)*

*HB 1617 by Representative Michael (R-Jacksonville Beach)*

Under SB 1718, all employers in the state of Florida with 25 or more employees will be required to use E-Verify to verify the employment eligibility of their employees. All employers with 24 or fewer employees will retain the ability to use I-9 verification. The criminal penalties for noncompliant businesses have been removed, but there are still considerable monetary penalties for noncompliance. There are also very strict license suspension and revocation provisions for those who do not comply with the statute.

**FRLA opposed this legislation.**

## Interchange Fees on Sales Tax

### DIED

*SB 564 by Senator Hutson (R-Palm Coast)*

*HB 677 by Representative Caruso (R-West Palm Beach)*

For every payment card transaction, Florida merchants pay interchange fees, also called swipe fees. Not only do merchants pay fees for the items sold, but also on the taxes they are required to collect and remit on behalf of the state. In fiscal year 2022, Florida businesses paid \$288 million in interchange fees on sales tax. This legislation would prohibit the collection of interchange fees on sales tax and bed tax. This would reduce the burden on our businesses and free up these funds for additional investment and positive economic activity in our state.

**FRLA supported this legislation.**

## Local Ordinances

### PASSED

*SB 170 by Senator Trumbull (R-Panama City)*

*HB 1515 by Representative Brackett (R-Vero Beach)*

SB 170 requires local governments to conduct business impact estimates on proposed ordinances that would impact business. For ordinances that are arbitrary or unreasonable or passed in violation of state preemptions, a party challenging that ordinance can be entitled to attorney fees and an expedited court resolution of that challenge.

**FRLA supported this legislation.**

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# FRLA 2023 Legislative Report

## Tourist Development Taxes

### **PASSED**

*SB 640 by Senator Simon (R-Tallahassee)*

*HB 309 by Representative Schoaf (R-Port St. Joe)*

*SB 7062 by Senate Finance and Tax Committee*

*HB 7043 by House Ways and Means Committee*

Under current law, specific counties are permitted to use a very limited portion of TDT revenues for public safety services that are necessary due to increased tourism and visitation. The legislation filed by Senator Simon and Representative Schoaf would expand this permitted use to fiscally constrained counties that are adjacent to the Gulf of Mexico or Atlantic Ocean. FRLA opposed these bills.

These bills did not advance through their assigned committees, but identical language was included as part of the broad tax packages filed by the House and Senate Committees. The tax package is 95 pages long and includes popular proposals like sales tax holidays. The tax package was passed as expected.

## Firearms

### **PASSED, SIGNED INTO LAW**

*SB 150 by Senator Collins (R-Tampa)*

*HB 543 by Representative Brannan (R-Lake City)*

HB 543 removes the requirement for citizens to obtain a concealed carry weapons permit in order to carry weapons concealed. It does not allow those who are otherwise restricted under the law to carry weapons concealed. It does not prohibit private property owners from restricting weapons from their establishments. Businesses are still required to allow guests to store weapons in their cars, as long as the weapons are locked up.

**FRLA did not take a position on this bill.**



# FRLA 2023 Legislative Report

## Telephone Solicitation

### **PASSED**

*SB 1308 by Senator Yarborough (R-Jacksonville)*

*HB 761 by Representative Fabricio (R-Hialeah)*

Legislation adopted in 2021 was intended to prevent telemarketers from engaging in unsolicited communications. The legislation added a private cause of action and the ability to file class action suits. It inadvertently applied the law to solicited and authorized communications, such as text messages that restaurants and hotels may send to loyal customers and preferred guests. HB 761 clarifies the difference between solicited and unsolicited communications, and it clarifies the requirements for establishing consent. This legislation will prevent lawsuits and financial penalties for communications that are authorized.

**FRLA supported this legislation.**

## In-State Marketing Program

### **PASSED**

*SB 2500 by House and Senate Appropriations Committees*

The in-state marketing program allocates \$1 million in trust fund revenue from the Hotel and Restaurant Trust Fund in the Department of Business and Professional Regulation to contract with Florida Restaurant and Lodging Association to administer the successful in-state tourism campaign. The monies contained within the DBPR Trust Fund are derived solely from license fees paid by hotels and restaurants, not from taxes collected from the general public. Under this allocation, funds are used as matching grants to help promote events intended to draw tourists to underserved areas of the state. Additionally, the goal of this program is to support in-state tourism by getting Floridians to use their travel time and budget to sites within the state of Florida.

**Promotion of these events enhances local economic activity and increases visitation to hotels and restaurants in areas in which these events are held.**

