



**Central Florida
Hotel & Lodging Association**

2023 Florida Legislative Session Report

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2023 CFHLA FLORIDA LEGISLATIVE REPORT

TOURIST DEVELOPMENT TAX (TDT) - (DIED)

In 1977, the Florida Legislature passed the "Tourist Development Tax" (F.S.125.0104) at the request of Florida lodging executives. The purpose of the tax was to create a dedicated revenue for tourism promotion and investment.

CFHLA **strongly opposed the following bills** which would have added additional approved uses for the Tourist Development Tax (TDT). Adding additional approved uses will only serve to dilute the effectiveness of these dollars, which are statutorily established for the promotion and marketing of tourism to our state and region.

Each of these bills did not advance through their assigned committees and **all died at the conclusion of the 2023 Florida Legislative Session.**

- HB 309 – Representative Shoaf
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- HB 7053 - Regulatory Reform & Economic Development Subcommittee and
- Yeager SB 640 – Senator Simon

VISIT FLORIDA FUNDING - (PASSED)

At the start of the legislative session, CFHLA **supported the increased funding for VISIT FLORIDA in the amount of \$100 million.** Following Hurricane Ian and Tropical Storm Nicole, funding is especially important to ensure Florida continues to be top of mind as a leading vacation destination.

Ultimately, the Senate and House agreed to fund VISIT FLORIDA in the amount of **\$80 million, with \$30 million recurring. This is a \$30 million increase over the current year and the largest appropriation that VISIT FLORIDA has ever received.**

Also, throughout the session, the House put forth a comprehensive legislative proposal that would have **replaced VISIT FLORIDA funding from the state budget with County-level TDT revenues.** Additionally, it would have **changed how tourism marketing dollars are allocated throughout the state.** Local TDT revenues are committed to vital projects and organizations that generate visitation - providing local economic development and job creation. CFHLA **strongly opposed this effort and the proposal died** at the conclusion of the 2023 Florida Legislative Session.

VACATION HOME RENTALS AND ADVERTISING PLATFORMS - (DIED)

While vacation home rentals have long been available in Florida, the option to list available units online through advertising platforms has caused this lodging sector to explode by **more than 50,000 units in Central Florida**. This is why CFHLA supported the update to Florida's statutes, in order to accommodate the changing lodging industry, creating balanced and rational regulations that protect our visitors, residents, and local communities.

Specifically, **SB 714 by Senator DiCeglie (HB 833 by Representative Duggan was the companion)**, as passed by the Senate would do the following:

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- Requires advertising platforms to collect and remit all taxes.
- Requires advertising platforms to list the vacation rental license number on the advertisement of the units.
- 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.
- Requires vacation home rentals on advertising platforms practice health and safety standards, along with
- mandatory occupancy requirements to protect visitors and their experience.
- Gives emergency rulemaking power to Department of Revenue.

Allocated funds for six additional full-time employees at the Department of Business and Professional Regulation to address this legislation.

While the **House refused to take the Senate's position on this issue and the bill died**, CFHLA feels that significant progress was made this year. The Senate's version was a step in the right direction and we are hopeful to get a resolution next year.

WORKFORCE HOUSING - (PASSED AND SIGNED INTO LAW)

CFHLA **supported full funding** for the Sadowski Fund, as the Central Florida community has a dire need for more reliable and affordable rental housing.

CFHLA was proud to **support and applauds the signing of SB 102 by Senator Calatayud and Representatives Busatta Cabrera and Lopez** during the 2023 Florida Legislative Session.

This bill **fully funds the Sadowski Fund and the State Apartment Incentive Loan dollars (SAIL)**, **increases the percentage of State Housing Incentive Partnership dollars (SHIP)** that can be used for rental housing, **removes barriers** to the development of workforce housing, and **provides innovative incentives** and tax credits for businesses to develop high-quality housing for their workforce.

DATA PRIVACY - (PASSED)

CFHLA believes that customers deserve to have control over their personal information. However, any regulations upon individual companies should not be unreasonable, as the cost of compliance could be significant for small and medium-sized businesses. Additionally, businesses must be given an adequate opportunity to correct any errors and respond to complaints without the threat of costly litigation.

While CFHLA **opposed SB 262 by Rules, Commerce and Tourism, and Senator Bradley (along with its companion bill, HB 1547 by Regulatory Reform & Economic Development Subcommittee and Representative McFarland)**, the Legislature passed legislation which now prohibits a tracking entity from collecting a consumer's tracking information without the consumer's consent, or from collecting a consumer's tracking information while the collecting technology is not in active use by the consumer without the consumer's consent for continued collection. It also prohibits an online platform that provides an online service, product, game, or feature likely to be predominantly accessed by children from processing or collecting the personal information of children in particular ways. However, the bill **does not include a private cause of action, does not apply to the processing of personal data solely for measuring or reporting advertising, performance, reach, or frequency** and clarifies the provisions relating to the opt out of the collection of precise geolocation amendment data, and collection of personal data collected through the operation of a voice recognition feature.

FLORIDA TIMESHARE ACT - (PASSED)

CFHLA **supported** ARDA's legislative proposal, which seeks the **clarification and modernization of several provisions in the Florida Timeshare Act**.

Specifically, **HB 869 by Commerce Committee and State Administration & Technology Appropriations Subcommittee and Representative McClain** contains provisions that **gives more flexibility in filings, removes the 15% cap on the aggregate represented value of all incidental benefits** offered by a timeshare developer, **extends the period for voiding certain unlawful contracts**, from one year to five years, and **provides that a developer is not required to file a separate public offering statement for any component site** located within or outside Florida in order to include the component site in the multistate timeshare plan. These changes will now help bring the statute up to date, relative to the current business model and utilizes technology.

OTHER ISSUES CFHLA MONITORED

- **Hurricane Recovery**
- **Ride Safety**
- **Transportation & Infrastructure**
- **Human Trafficking**
- **Special Districts**

TORT REFORM - (PASSED AND SIGNED INTO LAW)

SB 236 by Senator Hutson and HB 837 by Representatives Fabricio and Gregory included several pro-business provisions which will help reduce rampant lawsuits such as 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.

CFHLA supported this legislation.

HUMAN TRAFFICKING - (PASSED AND SIGNED INTO LAW)

Governor DeSantis signed several bills aimed at combating human trafficking in Florida. **SB 1690, SB 7064, HB 1465 and SB 1210 each do a myriad of things**, however, specific to the hotel and lodging industry is **SB 1690 by Senator Ingoglia and Representative Salzman**. This legislation expanded human trafficking awareness programs and increased support for human trafficking victims. Specifically, it holds hotels accountable for their role in facilitating human trafficking training and includes cracking down on repeat violators of human trafficking training, by shortening the cure period for an initial violation from 90 days to 45 days. Moreover, a hotel will now be ineligible for any correction period after July 1, 2023, and a fine of \$2,000 a day will be imposed for any subsequent violations thereafter. This rare bipartisan bill was approved unanimously by both chambers.

Additionally, SB 7064 by Senator Garcia and Representative Overdorf was designed to support the victims of human trafficking and strengthen the penalties for human traffickers at adult establishments. Furthermore, **HB 1465 by Representative Garrison, Representative Snyder and Senator Avila** makes human traffickers eligible for mandatory minimum sentences when they possess or discharge a firearm during the course of their crimes. Lastly, **SB 1210 by Senator Burgess** provided that a petition for human trafficking victim expunction and all pleadings and documents related to the petition are confidential and exempt from public records requirements.

CFHLA supported HB 1690 and SB 7064, however CFHLA did not take a position on HB 1465 and SB 1210.

PERMITLESS CARRY - (PASSED AND SIGNED INTO LAW)

SB 150 by Senator Collins and HB 543 by Representative Brannan removed 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. However, it allows private property owners to continue to restrict 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.

CFHLA did not take a position on this legislation.

IMMIGRATION REFORM - (PASSED AND SIGNED INTO LAW)

SB 1718 by Senator Ingoglia and HB 1617 by Representative Michael will now require all employers in the state of Florida with 25 or more employees, 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.

CFHLA did not take a position on this legislation.