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February 14, 2022

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THE INSIDER - SPECIAL EDITION 2022 LEGISLATIVE SESSION UPDATE - WEEK 5

The 2022 Florida Legislative Session has officially hit the halfway mark and the appropriation process took center stage last week, as the House and Senate both heard their respective budgets in their Appropriations Committees. Legislation concerning data privacy, combating human trafficking and proposed changes to the tourist development tax (TDT) also moved forward in the legislative process.

Additionally, the topic of redistricting continues to face complications between the Florida Supreme Court, the Governor and the Legislature. Work on congressional maps was put on hold while awaiting an important verdict. After submitting his own map proposal, Gov. DeSantis asked for an advisory opinion regarding a district that stretches from downtown Jacksonville to Tallahassee and is labeled as a minority access district. In a unanimous decision, the Florida Supreme Court rejected his request. The opinion stated the question was too broad and dealt with complex issues involving federal and state constitutional matters as well as the interpretation of the Voting Rights Act of 1965.

In response, the Florida House unveiled a new map on Thursday that keeps this district mostly intact. However, there are still some differences between the Senate and House maps, including a likely turn of a Central Florida Democratic seat into Republican. During a press availability on Friday, the Governor indicated he would veto any map that preserved the disputed district. The cartography debate regarding these maps appears to be far from over.

[City of Sanford](#)

Lastly, lawmakers were successful in their second attempt to create a rainy-day fund for the Governor's Office. In its final stop, the House [voted 95-22](#) for an Emergency Preparedness and Response Fund ([SB 96](#)) at \$500 million. This bill allows the Governor to use these funds in the case of an emergency, before using other sources of money. The House bill sponsor, Rep. Trabulsy, expressed this measure will "give us time to respond to the emergency while protecting our power to appropriate and protect our reserve." The bill now awaits the approval from the Governor.

TOURIST DEVELOPMENT TAX (TDT)

A bill in each chamber proposing changes to the Tourist Development Tax (TDT) statute that would remove a provision that would require a specific percentage of all tourist development tax revenues to be used to promote and advertise tourism.

[HB 6075](#) - *Representative Eskamani* - **No action** taken in the House last week.

[SB 1898](#) - *Senator Farmer Jr.* - **No action** taken in the Senate last week.

[HB 673](#) - *Representative Shoaf* - The bill was **passed by a vote of 16-2** by the House Tourism, Infrastructure & Energy Subcommittee on **February 8, 2022** and now heads to the House Ways & Means Committee and Commerce Committee.

[SB 1542](#) - *Senator Gainer* - **No action** taken in the Senate last week.

CFHLA OPPOSES

VISIT FLORIDA

A bill filed in each chamber that revises the scheduled repeal date of Florida's Tourism Industry Marketing Corporation (VISIT FLORIDA) **until at least October 1, 2028**.

[HB 489](#) - *Representative Cheney and Co-Sponsored by Representative Morales* - **No action** taken in the House last week. **The bill is now ready for a final vote on the House floor.**

[SB 434](#) - *Senator Hooper* - **No action** taken in the Senate last week. The bill passed the full Senate, by a vote of [36-2](#), on February 3, 2022. The bill is now awaiting for the House to vote on their version of the bill.

As mentioned last week, Governor Ron DeSantis' budget recommendation included a \$50 million funding request for VISIT FLORIDA. Last week, the Senate and House released their initial budgets and both chambers have suggested a **\$50 million appropriation for VISIT FLORIDA** in FY 2022-23. However, only the Senate has proposed the funding to be recurring (annual), while the House has proposed the funding to be non-recurring (this year, one time).

We are optimistic about the future of tourism in Florida, and **CFHLA will continue to advocate for VISIT FLORIDA funding to be recurring in the FY 2022-23 budget and beyond.**

CFHLA SUPPORTS

VACATION RENTALS

A bill in each chamber to require advertising platforms, such as **Airbnb** and **Vrbo**, to remit specified taxes imposed on some transactions. It also requires all licenses issued by the Division of Hotels & Restaurants of DBPR to be displayed conspicuously. Additionally, these bills would preempt regulation of vacation rentals to the State of Florida, which would prohibit local law, ordinance, or regulation from allowing or requiring inspections or licensing of public lodging establishments.

HB 325 - *Representative Fischer and Co-Sponsored by Representative Morales* - **No action** taken in the House last week. The bill was passed by a vote of 10-6 in the Regulatory Reform Subcommittee on January 27th, and is now awaiting a hearing in the House Commerce and Ways & Means Committee.

SB 512 - *Senator Burgess* - **No action** taken in the Senate last week. The bill was passed by a vote of **6-3** in the Senate Community Affairs Committee on February 2, 2022. The bill has now been referred to the Senate Appropriations Committee for its final committee stop.

CFHLA SUPPORTS

DATA PRIVACY

A priority of Governor DeSantis, this bill would allow consumers to control how their personal data is shared and sold.

Last week, CFHLA joined several business groups in [a letter of opposition](#) to members of the House Commerce Committee opposing [HB 9](#), a bill relating to Consumer Data Privacy.

The bill sponsor, Rep. McFarland and proponents argue for the necessity of this proposal, mentioning consumers should have a say in sales for digital advertising or manipulation. Rep. McFarland did amend the bill last week and removed the opportunity for class action lawsuits. However, the business community is still concerned about the private cause of action clause, that we believe could allow for frivolous lawsuits.

CFHLA will continue to monitor this bill and oppose any legislation that would bring negative economic effects to the future of our state's economy.

HB 9 - *Representative McFarland* - The bill was **passed unanimously** by the House Commerce Committee on **February 10, 2022**. This bill **includes a private right of action clause that we oppose**. The bill has been referred to the Judiciary Committee.

SB 1864 - *Senator Bradley* - **No action** taken in the Senate last week. The bill was filed in the Florida Senate on January 7, 2022 and it has been referred to the Senate Commerce and Tourism Committee, the Senate Regulated Industries Committee and the Senate Rules Committee.

CFHLA OPPOSES

HUMAN TRAFFICKING

A bill in each chamber, named the Human Trafficking Reduction Act, that proposes a slew of provisions, including a prohibition of hourly rate offerings at hotels and motels, seeks to raise Florida's criminal penalties,

and establishes a statewide human trafficking data repository at the University of South Florida. We are working with our legislators to ensure that the measures in this bill, if passed, are fair and tailored to meet their objectives.

HB 1439 - *Representative Toledo* - The bill was **passed unanimously** by the House Judiciary Committee on **February 8, 2022**. **The bill is now ready for a final vote on the House floor.**

SB 1852 - *Senator Bradley* - The bill was **passed unanimously** by the Senate Regulated Industries Subcommittee on **February 8, 2022**. The bill has been referred to the Senate Commerce and Tourism Committee.

CFHLA MONITORING

FLORIDA TIMESHARE ACT

A bill filed in each chamber that seeks to clarify and modernize several provisions in the **Florida Timeshare Act**. The bill includes beneficial revisions for owners' associations include the option for meetings to be held virtually, an exemption from current requirements to deliver notices to an owner's unit rather than address of record, clearer authority to act in an emergency, and streamlining the trustee foreclosure process to make it less time consuming. The proposal would also allow developers to deliver certain documents to purchasers electronically and clarify provisions regarding the delivery and filing of other required documents. These proposed changes would help bring the statute up to date relative to the current business model and available technology.

HB 575 - *Representative McClain* - **No action** taken in the House last week. The bill was passed unanimously by the House Regulatory Reform Subcommittee on February 3, 2022 and was referred to the House Civil Justice & Property Rights Subcommittee.

SB 1216 - *Senator Hutson* - **No action** by the Senate last week. The bill was passed unanimously by the Senate Regulated Industries Committee on January 25th, and is now awaiting a hearing in the Senate Community Affairs Committee.

CFHLA SUPPORTS

DONATE

CFHLA MEMBERS - Please consider making a donation of \$50 via the link below to the CFHLA PAC/PC. All contributions help CFHLA continue its efforts in supporting and endorsing Hospitality-Friendly candidates for local and state offices.



As a reminder, all CFHLA Board Members, PAC/PC Board Members, and ARC Board Members have committed to contributing \$100 to the CFHLA PAC/PC in 2022. If you are a part of one or more of these groups, please consider fulfilling your commitment today.

IN THE NEWS

[Jackie Toledo's human trafficking crackdown bill heads to House floor \(Florida Politics\)](#)

[Pay-by-the-hour stays would be banned under new Florida bill \(Action News Jax\)](#)

[Senate panel moves to kill 'hourly rate' hotels, crack down on 'first-time johns' \(Florida Politics\)](#)

[Data privacy measure emerges from contentious first hearing \(Florida Politics\)](#)

[Bill to regulate the collection of consumer data draws business opposition \(Florida Politics\)](#)

[Bill allowing tourist taxes to fund law enforcement in seven counties clears House panel \(Florida Politics\)](#)

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