Florida Restaurant & Lodging Association

2022 | Legislative Agenda

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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**.

FRLA BIG Wins in 2021

2021 VICTORIES

FRLA fought on your behalf and for the good of the hospitality and tourism industries, achieving several victories on the state front.

COVID-19 Liability Protection - PASSED

Grants a business immunity from liability for COVID-19 related claims when the business demonstrates a good faith effort to comply with existing rules, regulations, and guidance regarding COVID-19 safety and sanitation.

Alcohol To-Go - PASSED

Makes permanent the provisions of the Governor's Executive Order permitting the sale of alcoholic beverages with take-out and delivery orders.

VISIT FLORIDA - PASSED

Legislature appropriates $50 million to VISIT FLORIDA, the state's official tourism marketing corporation. VISIT FLORIDA receives an additional $25 million in federal funds.

Seaport Regulation Preemption- PASSED

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.

2021 NEGATIVE POLICIES AVOIDED

Deregulation of Vacation Rentals

Expansion of Tourist Development Tax Use

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Vacation Rentals

Vacation rentals of residential houses and condo units are a popular lodging option for many of Florida's visitors. While vacation rentals have long been available in Florida, the option to list them online through advertising platforms has caused this lodging sector to expand dramatically. Florida law needs to be updated to recognize this growth, creating balanced and rational regulations that protect visitors, local citizens, and communities.

FRLA supports the following:

- Requiring advertising platforms to confirm the licensing/registration of vacation rentals with the relevant State agencies prior to listing,
- Required collection and remittance by the advertising platform of all taxes due,
- Periodic reporting to the state by advertising platforms listing the vacation rentals on their platforms, including the physical address, so that tax collection and legal compliance can be confirmed,
- Reasonable penalty provisions for noncompliance,
- Clear and consistent audit provisions, and
- An option for local registration so that local governments can better understand and respond to what is happening in their jurisdictions.

Special Restaurant & Hotel Liquor Licenses

The financial success of food and lodging establishments benefits Florida's residents, its communities, and its economy. Currently, hotels must have a certain number of rooms to receive a particular type of liquor license. Restaurants must also adhere to certain square footage and seating requirements to qualify for a special restaurant liquor license. We support reducing these requirements and regulations. These reductions will reflect developing trends in the hospitality industry, encourage the development of new businesses, and increase the financial success of existing businesses.

Tourist Development Tax

FRLA opposes adding any new uses for state Tourist Development Tax revenues. Adding new uses only dilutes the effectiveness of these limited revenues, which are intended to promote and market tourism.

Data Privacy

Customers deserve to have control over their personal information, but Florida must adopt reasonable regulations that take into account the changing nature of commerce. The cost of compliance for businesses must be carefully considered, and businesses must be given an adequate opportunity to correct any errors and respond to complaints without the threat of costly litigation.

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Corporate Income Tax/Qualified Improvement Property

A temporary Florida Corporate Income Tax rate reduction is set to expire on January 1, 2022. Combined with Florida's decision to not adopt the federal deduction for qualified improvement property, this could mean significant increases to Corporate Income Tax collections in Florida in 2022. We support the Florida Legislature adopting the qualified improvement property "fix" of the federal CARES Act, making qualified improvement property eligible for bonus depreciation for Florida corporate income tax purposes. This would result in lower taxes for Florida companies subject to Florida Corporate Income Tax.

Clarifying Distinction Between Guest & Tenant

Section 509.141, Florida Statutes, has long provided that a lodging establishment operator may ask law enforcement to remove a guest who fails to make payment or engages in dangerous or undesirable behavior, such as dealing in controlled substances, public intoxication, or brawling.

The statute lacks fundamental clarity, which can make it difficult for law enforcement when they are called upon to remove a guest. This can also result in the lodging establishment owner being subject to lengthy landlord/tenant eviction proceedings, which were never intended to apply to lodging establishments.

We support a revision of the statute to more clearly define the relationship between the guest and the lodging establishment from the outset. This will provide clarity and efficiency for the guest, the business, and law enforcement.

VISIT FLORIDA Funding

Following the pandemic, we have a clear understanding and appreciation of the impact the tourism industry has on Florida's economy. VISIT FLORIDA plays a vital role in attracting visitors to our beautiful state from all over the world, and the good work of VISIT FLORIDA has never been more necessary. FRLA supports continued funding for VISIT FLORIDA. We also support extending the repeal date for VISIT FLORIDA. Allowing the organization to plan further out into the future will enable it to attract top talent and will facilitate long-term marketing strategies that will benefit the entire state.