



MEMORANDUM

TO: Bill Lupfer, President and CEO, Florida Attractions Association

FROM: Jennifer J. Green, CAE, DPL, President
Tim Parson, DPL, Vice President
Adam Potts, DPL, Director of Government Affairs
Ethan Merchant, DPL, Governmental Affairs Manager

DATE: March 27, 2023

RE: Third Week of Session Summary – Week of March 20 – March 24, 2023

Upon completion of Week Three of the 2023 Legislative Session, legislation is moving through the committee process and both chambers are passing bills. Additionally, the Legislature's FY 2023-24 budget is currently being crafted. The Senate Appropriations Committee's initial budget proposal for FY 2023-24 totals \$113.7 billion, while the House Appropriations Committee's proposed budget equals \$113 billion.

Both budgets invest heavily in state reserves, as well as the Budget Stabilization Fund and the Emergency Preparedness and Response Fund. The Senate and House budget proposals also include record funding in a number of sectors across the state, including education, criminal justice, healthcare, transportation, disaster recovery and environmental protection. In the coming weeks, both chambers will continue to iron out their respective budgets before starting the budget conference process. The Senate proposal contains \$80 million to fully-fund VISIT FLORIDA, as well as \$60.2 million for library, cultural and historical grants, facilities and initiatives.

Governor Ron DeSantis also signed HB 837 - Civil Remedies into law last week. This law seeks to reduce frivolous lawsuits and protect residents from predatory attorneys. Additional highlights of the law include bad faith reform, the elimination of one-way attorney fees and fee multipliers and the increased immunity of property owners.

Several pieces of legislation that could impact the state's tourism industry are moving forward in the legislative process. Below is a summary of bills that are of interest to FAA and that we are monitoring closely.

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Tourism Development

[PCB RRS 23-02](#) by the House Regulatory Reform & Economic Development Subcommittee would make harmful changes to VISIT FLORIDA's business model and negatively impact the tourism industry in the process. The proposed committee bill would require rural counties to pay 2% of the Tourist Development Tax (TDT) collections and all other counties to pay 5% of TDT dollars to fund VISIT FLORIDA. This equates to approximately \$70 million for 2023-26 and following this time period, remittance of the TDT dollars to fund VISIT FLORIDA from counties would be voluntary and left up to the discretion of local governing boards. Additionally the bill would require all levied TDT to be reauthorized by a referendum every six years. TDT that is collected to cover County bond obligations would be exempt.

Additionally, the proposed committee bill would eliminate rental car surcharge proceeds to VISIT FLORIDA and would prohibit any state appropriations to VISIT FLORIDA. Furthermore, VISIT FLORIDA would be required to use 75% of expenditures for activities, services and programs that directly benefit state parks, state forests and rural counties.

The bill would also require VISIT FLORIDA to match funds from each county on a one-to-one basis, while prohibiting any proceeds from TDT to be used as the match. Cooperative marketing or local DMO programs participation also cannot count toward the match. Counties would also be able to use TDT for tourism infrastructure such as transportation, sanitary sewer, solid waste, drainage, potable water and pedestrian facilities.

We are closely engaged on this issue and are working in lockstep with FAA to address the tourism industry's concerns with this legislation. The proposed committee bill is scheduled to be heard tomorrow, March 28 in the House Regulatory Reform & Economic Development Subcommittee. There is no Senate companion at this time.

Safety Standards for Amusement Rides

[SB 902](#) by Senator Geraldine Thompson (D-Orlando) would require permanent amusement rides operated for the first time in this state after a specified date to have a ride commissioning and certification report on file with the Department of Agriculture and Consumer Services within a specified timeframe; authorize the department to conduct unannounced inspections for specified purposes; revise the circumstances under which the owner or manager of an amusement ride is required to report an accident and under which the department may impound an amusement ride involved in an accident, etc. The bill is awaiting its second hearing in the Senate Agriculture, Environment and General Government Appropriations Committee. The House companion – [HB 1241](#) – by Representative Lavon Bracy-Davis (D-Orlando) is scheduled to be considered in the House Regulatory Reform & Economic Development Subcommittee on Tuesday, March 28.

Public Records/Active Amusement Ride Investigation

[SB 904](#) by Senator Geraldine Thompson would provide an exemption from public records requirements for all investigatory records made or received by the Department of Agriculture and Consumer Services pursuant to an active amusement ride investigation for a specified timeframe; provide for future legislative review and repeal of the exemption; provide a statement of public necessity, etc. The bill is awaiting its

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second hearing in the Senate Agriculture, Environment and General Government Appropriations Committee. The House companion – [HB 1243](#) – by Representative Lavon Bracy-Davis is scheduled to be heard in the House Regulatory Reform & Economic Development Subcommittee on Tuesday, March 28.

Tourist Development Taxes

[HB 309](#) by Representative Jason Shoaf (R-Blountstown) would authorize certain fiscally constrained counties to use designated percentage of tourist development tax revenues received to reimburse for expenses incurred for certain purposes and provide specifications for use of those tax revenues. The bill is awaiting its first hearing in the House Ways and Means Committee. The Senate companion – [SB 640](#) – by Senator Corey Simon (R-Tallahassee) is awaiting its first hearing in the Senate Commerce and Tourism Committee.

Resale of Tickets

[HB 317](#) by Representative Fiona McFarland (R-Sarasota) would provide requirements for websites of ticket resellers; provide for donation, transfer, & resale of certain tickets; authorize original seller to request certain information from final ticket holders; prohibit original ticket seller from taking certain actions against person who purchases or resells ticket; preempt regulation of sale or resale of tickets to state. The House bill is awaiting its first hearing in the House Regulatory Reform & Economic Development Subcommittee. The Senate companion – [SB 388](#) – by Senator Jennifer Bradley (R-Fleming Island) awaits its second stop in the Senate Judiciary Committee.

Vacation Rentals

[SB 714](#) by Senator Nick DiCeglie (R-St. Petersburg) would require advertising platforms to collect and remit specified taxes for certain vacation rental transactions; define the term “advertising platform”; revise the regulated activities of public lodging establishments and public food service establishments preempted to the state to include licensing; require advertising platforms to require that persons placing advertisements for vacation rentals include certain information in the advertisements and attest to certain information; authorize the division to revoke, refuse to issue or renew, or suspend vacation rental licenses under certain circumstances, etc. The bill passed the Senate Regulated Industries Committee by a vote of 5-2 on March 14 and now awaits its second hearing in the Senate Agriculture, Environment and General Government Appropriations Committee. The House companion – [HB 833](#) – by Representative Wyman Duggan (R-Jacksonville) is scheduled to be heard in the House Regulatory Reform & Economic Development Subcommittee on Tuesday, March 28.

Technology Transparency

[SB 262](#) by Senator Jennifer Bradley (R-Fleming Island) would prohibit officers or salaried employees of governmental entities from using their positions or state resources to make certain requests of social media platforms; prohibit governmental entities from initiating or maintaining agreements or working relationships with social media platforms under a specified circumstance; prohibit a controller from collecting certain consumer information without the consumer’s authorization; require controllers that collect personal information to implement reasonable security procedures and practices to protect such information, etc. The bill is awaiting its first hearing in the Senate Commerce and Tourism Committee.

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The House companion – [HB 1547](#) – by Representative Fiona McFarland (R-Sarasota) is scheduled to be considered in the House Regulatory Reform & Economic Development Subcommittee on Tuesday, March 28.

Local Tax Referenda Requirements

[SB 698](#) by Senator Blaise Ingoglia (R-Spring Hill) would require a referendum to reenact an expiring tourist development tax or tourist impact tax, respectively, to be held at the general election immediately preceding the expiration date of the tax; require a referendum to approve a millage rate increase for a children’s services independent special district property tax to be held at the general election immediately preceding the effective date of the increase; require a referendum to reenact an expiring local government discretionary sales surtax to be held at the general election immediately preceding the expiration date of the surtax; delete provisions that authorize school district millage elections to be held at any time and specify a limit on such elections, etc. The bill is scheduled to be considered in the Senate Community Affairs Committee on Wednesday, March 29. The House companion – [HB 731](#) – by Representative John Temple (R-Villages) is awaiting its second stop in the House Ways & Means Committee.

2023 LEGISLATIVE SESSION SCHEDULE

December 12 – December 16, 2022	1 st Interim Committee Week
January 3 – January 6, 2023	2 nd Interim Committee Week
January 17 – January 20, 2023	3 rd Interim Committee Week
January 23 – January 27, 2023	4 th Interim Committee Week
February 6 – February 10, 2023	5 th Interim Committee Week
February 13 – February 17, 2023	6 th Interim Committee Week
February 20 – February 24, 2023	7 th Interim Committee Week
March 7, 2023	Regular Session Convenes
May 5, 2023	Last Day of Regular Session

We will continue to monitor these issues for FAA members and provide regular updates.