



## 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:** April 10, 2023

**RE:** Fifth Week of Session Summary – Week of April 3 – April 7, 2023

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We have officially passed the halfway point of the 2023 Legislative Session, as the Legislature concluded Week Five last week. Both chambers passed their respective budgets for FY 2023-24, setting the stage for budget conference. The Senate's proposed budget - SB 2500 - totals \$113.7 billion, while the House proposal - HB 5001 - is \$113 billion. Governor Ron DeSantis proposed a \$114.8 billion budget, and he wields line-item veto power once he receives the final budget from the Legislature.

To date, Governor DeSantis has proposed funding VISIT FLORIDA at \$100 million during FY 2023-24, while the Senate has recommended \$80 million for VISIT FLORIDA in their proposed budget. However, the House has not proposed any funding for the tourism marketing agency in their budget proposal. These differences will be ironed out during the budget conference process.

Substantive policy is also its way through the legislative process and becoming law. Last week, Governor DeSantis signed HB 543 into law, which will allow Floridians to carry a concealed weapon without a permit. The law also contains several school safety provisions that will strengthen the protection of students and staff. The law goes into effect on July 1, 2023.

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.

### **Tourism Development**

[HB 7053](#) would make harmful changes to VISIT FLORIDA's business model and negatively impact the tourism industry in the process. The 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,

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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 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.

HB 7053 has been referred to the House Ways and Means Committee and the House Appropriations Committee, but does not yet have a hearing scheduled. 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) awaits its second hearing in the House Agriculture and Natural Resources Appropriations Subcommittee.

#### **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 second hearing in the Senate Agriculture, Environment and General Government Appropriations Committee. The House companion – [HB 1243](#) – by Representative Lavon Bracy-Davis awaits its second hearing in the House Ethics, Elections and Open Government Subcommittee.

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### **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 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) awaits its second hearing in the House Ways and Means Committee.

### **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 unanimously passed the Senate Commerce and Tourism Committee on April 4 and awaits its final stop in the Senate Rules Committee. The House companion – [HB 1547](#) – by Representative Fiona McFarland (R-Sarasota) awaits its final hearing in the House Commerce Committee.

**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 awaits its second stop in the Senate Finance & Tax Committee. The House companion – [HB 731](#) – by Representative John Temple (R-Villages) is scheduled to be considered in the House State Affairs Committee on 4/11 – its final committee stop.

**2023 LEGISLATIVE SESSION SCHEDULE**

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

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