



TOURISM INDUSTRY BRIEFING

by Mat Forrest & Hannah Gutner,
FADMO Government Affairs
2019 Regular Session
Week 4

Week of 4 of the 9-week Regular Session has concluded and everything is progressing “normally” for an on time conclusion on Friday, May 3. As we approach the midway point of the Session many sub-committees will no longer meet, thus stranding any bills that were waiting to be heard there. While this usually indicates the end of those bills, I always like to remind folks that nothing is ever officially “dead” until the gavels hit on the final day, which is:

- **Sine Die of Regular Session** Friday, May 3, 2019

Legislation

VISIT FLORIDA

There was no change on the status of VISIT FLORIDA this week and that was expected. Leadership in both Chambers have indicated this is one of several issues to be negotiated between the Chambers as the Session progresses. However, to be more specific, while negotiations might continue over the next 5 weeks, they will mostly take place behind the scenes. Its highly likely we won't know the status or the results until the decision is announced in the final days of the Session.

Of course, this doesn't mean we sit back and silently wait. Please maintain your advocacy and tell your Delegation members why VISIT FLORIDA is important to your DMO.

As previously reported, the VISIT FLORIDA legislation is waiting to be heard on the Senate floor for final passage, but we are not sure when yet. After that it will be sent to the House, and what happens with the Legislation in the House is still a big “TBD”.

The Senate bill is very simple and it just deletes the Sunset date that currently exists.

SB 178 & HB 6031 – relating to Florida Tourism Marketing by Sen. Gruters (R, Sarasota) and Rep. Ponders (R, Fort Walton Beach)

288.1226 Florida Tourism Industry Marketing Corporation; use of property; board of directors; duties; audit.-

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(14) ~~REPEAL. This section is repealed October 1, 2019, unless reviewed and saved from repeal by the Legislature.~~

Section 2. Subsection (6) of section 288.923, Florida Statutes, is amended to read:

288.923 Division of Tourism Marketing; definitions; responsibilities.—

~~(6) This section is repealed October 1, 2019, unless reviewed and saved from repeal by the Legislature.~~

Obviously, this topic is being widely discussed and there have been several media stories on the topic. While it's true that the House bill, HB 6031 has not been heard in committee please refer to the first paragraph of this update. Nothing is ever "dead" until the very end. The House leadership have multiple procedures they could use in order to pass legislation that removes or delays the current October 1, 2019 Sunset if they decide that's what they want to do. Moving HB6031 is one option but it is not the only option.

Your continued advocacy to support VISIT FLORIDA is needed but don't stress about the bill number and committee stops. Simply contact your Delegation Members and tell them how VISIT FLORIDA benefits your area. If you do that the legislative vehicle will take care of itself.

The Budget

Tied in with the VISIT FLORIDA Legislation is also the allocation of funds to VISIT FLORIDA in the 2019 to 2020 fiscal year. The Senate maintained its position of \$50 million, the House also kept to its position and did not allocate any additional monies to VISIT FLORIDA, only providing for the remainder of the funds already promised until Oct 1, \$19 million.

Senate Draft Budget:

2328 SPECIAL CATEGORIES GRANTS AND AIDS - VISIT FLORIDA	
FROM STATE ECONOMIC ENHANCEMENT	
AND DEVELOPMENT TRUST FUND	26,000,000
FROM TOURISM PROMOTIONAL TRUST FUND	24,000,000

The House & Senate will both hear, and likely pass, their budget drafts next week thus setting up the final step, "Budget Conferencing" which is where they negotiate the differences.

To review, here are the rough next steps in the Budget process:

1. The House prepares & passes their version of the budget while at the same time the Senate prepares & passes their version of the budget. This is scheduled to be done next week.
2. The House and Senate appoint Joint conference committees, made up of both Representatives and Senators, which meet and negotiate the differences between the House version and the Senate version. This will likely happen in early to mid-April and this is where the decision on VISIT FLORIDA will likely be made.
3. The House and Senate each then vote and pass the agreed-on budget. This usually takes place the last week of the Session. That would be the week of April 29, 2019.
4. The Governor reviews, vetoes projects, and signs the budget into law. This can take several weeks. The new budget isn't technically required until July 1, 2019.

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Vacation Rentals

The Vacation Rental issue has been mostly silent this Session but that changed this week. **HB 987 relating to Vacation Rentals** by Rep. J. Grant (R, Tampa) and **SB 824 relating to Private Property Rights of Homeowners** by Sen. Diaz (R, Hialeah Gardens) were both scheduled for committees on Tuesday, but only HB 987 was actually heard.

There are 6 bills filed on the subject of vacation rentals, but it looks like these are the two bills that will be the vehicles for the debate this Session. You can expect a lot of amendments to be filed and debated on these bills and while not all of them will pass I don't think the bills stay in their forms "as filed" as they move along in committees. I encourage you to watch them closely and have your legal team review each version so you know how they will impact you.

The House bill was heard and passed favorably by a vote of 10 to 5. Its next stop is the **Government Operations & Technology Appropriations Subcommittee where it will be heard on Monday, April 1 from Noon to 3 p.m.**

According to the HB 987 Staff Analysis, the bill preempts vacation rental regulation to the state. Most importantly, this bill removes the June 2011 grandfather date previously in place for local government ordinances. I strongly encourage further investigation into this matter with your legal team and how it may affect your destination cities.

Further, the bill also requires an applicant for a vacation rental license to register a contact person with the Division of Hotels and Restaurants and make vacation rental license information, and the information of the contact person, available on its website.

SB 824 is nearly identical according to the Staff Analysis but has not moved in the Senate yet.

The Senate bill was also scheduled to be heard on Tuesday but was not heard as the Committee ran out of time. It was not included on the same committee's agenda for next week which will be a significant delay to the bill.

All of these bills overlap in some ways and create new regulatory and reporting processes and/or requirements for vacation rental platforms at the State level but they also all vary in exactly what those are, and they definitely vary in how much regulation they preempt, or don't preempt, from local governments.

It looks like only the HB 987 has gained traction, but we'll see how SB 824 moves. Because the other vacation rental bills have stayed quiet, here are the Cliffs Notes of them for your information:

- SB812/814 expands local regulations and implements robust State oversight of vacation rental platforms.
- SB1196 & HB 1129 maintain current local regulations and implement similar State reporting requirements for the platforms as SB 812 but not 100% the same.

Stay tuned for more updates on these bills after the committee meetings next week.

Tourist Development Councils

This unique bill regarding the creation of multiple TDC's in a single county had its first public discussion in committee two weeks ago and continues to move. It will be heard again next Tuesday, April 2 from 2 p.m. to 4 p.m. in the Senate Community Affairs Committee. **SB 1708 by Sen. Rouson (D, St. Petersburg)** authorizes certain counties to establish multiple tourist development councils. It states:

(4) ORDINANCE LEVY TAX; PROCEDURE. —

(f) Notwithstanding any other law, a county with a population of 900,000 or more, according to the last decennial census, may adopt a resolution that establishes and appoints members of more than one tourist development council upon a finding that more than one tourist development council best serves that county's tourism industry needs. Upon the adoption of such resolution, the county is not required to organize its tourist development councils in accordance with the requirements of membership composition in paragraph (e).

Although this bill has moved along in the Senate, a House bill on this subject has not been filed.

Sports Stadium Funding Repeals

The House "Sports Stadium" bill continued moving this week as it unanimously passed its last committee and is now waiting to be heard on the Floor. **HB 791 relating to Sports Franchises and Facilities, by Representative Avila (R, Hialeah).**

- Deletes provisions authorizing counties to impose specified taxes to pay debt service on bonds related to sports facilities
- Prohibits a county from leasing specified professional sports franchise facilities
- Prohibits the lease of public lands for certain purposes related to sports franchises & their facilities
- Requires the lease of a facility on public lands for certain purposes to be at fair market value
- Requires a sports franchise to repay specified debt incurred by local government related to construction of facilities.

Unlike other bills relating to sports stadiums this bill does repeal 288.11631 F.S., The Retention of Major League Baseball spring training baseball franchises statute. This deletion would be for future projects and the bill currently does not impact contracts in place prior to July 1, 2019.

I have reviewed the entire bill and it states several times that it does not impair or affect the obligations or terms of any lawful contract entered into before July 1, 2019. However, if you have Spring Training teams in your area, I suggest you review the bill to be sure I am not missing anything.

There are two other bills that deal with the public financing or funding of professional sports stadiums. **SB 414 relating to Sports Development by Senator Lee (R, Brandon) and HB 233 by Rep. Beltran (R, Valrico)** are identical bills that repeal the Sports Development statute, 288.11625 F.S. that was created just a few years ago. These bills however do not currently touch 288.11631 F.S. which is where the “Retention of Major League Baseball spring training baseball franchises” language resides.

HB 791 has been placed on the House Calendar for its second reading and is headed to the Floor. Similar legislation passed the House in 2017 so it’s highly likely this legislation will continue to move and at least pass the House.

In the Senate, SB 414 has unanimously passed two committees and is waiting to be heard in its last committee but has not been put on the agenda.

HB 233 has not been heard.

Government Accountability

This looks like the year that this legislation finally passes after being around for several Sessions. The Government Accountability bill unanimously passed the Senate this week and the House bill is on the Floor.

You may recall it from previous years. **SB 7014 Relating to Government Accountability** is sponsored by the Senate Governmental Oversight & Accountability Committee which is chaired by Sen. Hooper (R, Clearwater).

The bill is an “omnibus government accountability bill.” One of the provisions of the bill that might have an impact on FADMO members is the addition of “[tourist development council](#)” and “[county tourism promotion agency](#)” to the definition of “local governmental entity,” as used in the Statute.

This language is also filed as **HB 7035 by the House Oversight, Transparency & Public Management Subcommittee and Rep. Fischer (R, Jacksonville)**.

This bill has passed the House several times in the past few years with very little votes in opposition. Last year the Senate bill was never heard in its final committee and thus the bill(s) died.

The House bill passed its last committee unanimously and is waiting to be placed on the Special Order Calendar.

TDT Expansion

This bill is still the only bill that expands the uses of the Tourist Development Tax, **SB 726 relating to Tourist Development Tax by Sen. Stewart (D, Orlando)**. It also has not moved since it was filed. It authorizes counties that are imposing the tax to use the tax revenues to promote or incentivize film or television productions in this state. The bill obligates such counties to require certain productions to include a specified statement in the production's credits.

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement. —

7. To promote or incentivize film or television productions in this state. As used in this subparagraph, the term "production" has the same meaning as provided in s. 288.1254(1). If tax revenues are used for a production, the county must require that the production include in its credits the statement "Created in Florida" or "Filmed in Florida," as applicable.

This bill was referred to 3 committees but has not been put on any agendas. It is still waiting to be heard in the Community Affairs Committee which meets again on April 2, but this bill is not on the agenda.

A House bill has not been filed.

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