

## WEEKLY TALLAHASSEE UPDATE



The 60-day Legislative Session in Tallahassee attracts thousands of visitors that each make their way to The Florida Capitol for different reasons. This year, COVID-19 has made an exception to the typical hustle and bustle that “session” brings Tallahassee this time of year. People wishing to participate in this year’s Legislative Session are encouraged to submit their comments via email or must pre-register to attend committee hearings. Chamber tours and reservations of public spaces within the Capitol Complex have been cancelled through the end of the 2021 Legislative Session. Though COVID-19 restrictions have changed what legislators know as being a typical Legislative Session, the Capitol Complex staff has made an incredible effort to ensure that this year’s proceedings are not hindered by COVID-19. By providing new abilities to participate remotely, the staff of the Capitol Complex has turned the hassle of a ten-hour roundtrip drive from Venice to Tallahassee into participating with the convenience of testifying remotely from your home. If there is an issue you feel strongly about, please register to speak, or send an electronic correspondence to the correct committee detailing your opinion of the proposed legislation.

Senator Joe Gruters (Sarasota) has sponsored Senate Bill 50 - Taxes and Fees on Remote Sales which has successfully passed through the Commerce and Tourism, Finance and Tax (CS), and Appropriations (CS) Committees. The Florida House of Representatives version of CS/CS/SB 50 is House Bill 15 - Sales and Use Tax, sponsored by Representatives Clemons and LaMarca. The purpose of this proposed legislation is to “require marketplace providers and out-of-state retailers with no physical presence in Florida to collect Florida’s sales tax on sales of taxable items delivered to purchasers in Florida if the marketplace provider or out-of-state retailer makes a substantial number of sales into Florida.” The summary analysis of the legislation continues to state “To avoid a significant, unexpected increase in Reemployment Compensation tax rates on Florida employers, the bill temporarily directs the Department of Revenue to calculate applicable rates without respect to pandemic effects until such time as the Unemployment Compensation Trust Fund has been replenished to a pre-pandemic level.” It is important for online retailers to know that “a substantial number of remote sales” means an amount of \$100,00 or more taxable retail sales during the previous calendar year. If signed into law, this bill takes effect July 1, 2021.

SB 522 - Vacation Rentals, is sponsored by Senator Diaz and has moved through the Regulated Industries (CS) and Appropriations (CS) committees favorably with 6-to-3 and 13-to-5 yeas to nays, respectively. The counterpart of SB 522 with similar legislation in the Florida House of Representatives is CS/HB 219, Vacation Rentals, which is sponsored by Representative Fischer. CS/HB 219 has been recommended to the Ways & Means Committee after passing the Regulatory Reform Subcommittee with a committee substitute on February 10, 2021 with a vote of 10 yeas and 7 nays. SB 522 aims to revise the regulation of vacation rentals in Florida. The bill describes vacation rentals as “a unit in a condominium or cooperative, or a single, two, three, or four family house that is rented to guests more than three times a year for periods of less than 30 days or one calendar month, whichever is shorter, or held out as regularly rented to guests.” Bill analysis provided by the Florida Senate states that the current law prohibits local laws, ordinances, or regulations that prohibit vacation rentals or regulate the duration or frequency of rentals of vacation rentals.” It continues to state, “The bill permits grandfathered local laws, ordinances, or regulations adopted on or before June 1, 2011, to be amended to be less restrictive.” The bill goes further to propose changes that would require advertising platforms to collect and remit taxes for certain transactions, adopting an anti-discrimination policy, and preempting the regulation of advertising platforms to the state.

In the last *Weekly Tallahassee Update* I mentioned a bill that might have been an interest to the wine lovers out there. This *Weekly Tallahassee Update* will be capped off by providing information that might be pertinent to people who love to spend time at their closest craft distillery. Sponsored by Senator Hutson, SB 46 - Craft Distilleries has moved through the Regulated Industries Committee (CS) with 9-to-0 yeas to nays, the Commerce and Tourism Committee (CS) with 11-to-0 yeas to nays, and the Rules Committee with 16-to-0 yeas to nays. This bill has been placed on 3rd reading in the Florida Senate as of March 11, 2021. HB 737 - Craft Distilleries, sponsored by Representative DiCeglie, has passed favorably through the Regulatory Reform and the State Administration & Technology Appropriations Subcommittees. The bill will next be heard in the Commerce Committee before moving to the Florida House of Representatives if passed favorably. CS/CS/SB 46 aims to revise the licensing requirements for craft distilleries in the State of Florida. According to the bill analysis provided by the Florida Senate, the bill “crates s. 565.02(12), F.S., to provide a quota license exemption for certain craft distilleries to qualify for a vendor’s license if the craft distillery is located on a property within a destination entertainment venue, as defined by the bill, and open for tours during normal business hours.” Florida Statute 565.03 would also be amended if this bill is passed to “increase the production limit for distilleries to qualify as craft distilleries from 75,000 gallons per year to 250,000 gallons per year. The summary analysis continued to state “A maximum of 10 craft distilleries meeting certain requirements may share common ownership. Effective July 1, 2026, a minimum of 60 percent of a craft distillery’s total finished branded products must be distilled in the state and contain one or more of Florida’s agricultural products.”

For the remainder of the 2021 Florida Legislative Session, these *Weekly Tallahassee Updates* will be written with the most up to date information that was available at the time. Please understand that if a vote has happened or the intent of a bill has changed since this post was written, it was not my intent to mislead anyone. I would like to thank those people who have submitted topics to the VACC that they would like to see covered in these *Weekly Tallahassee Updates*.

**If anyone can think of a better title than “Weekly Tallahassee Update” for my column, please send us your suggestions!**

Thank you for reading!

**Justin Taylor**  
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**Sources:**

[www.myfloridahouse.gov](http://www.myfloridahouse.gov)  
[www.flsenate.gov](http://www.flsenate.gov)