



Priority Legislative Issues for 2010 Session

Support VISIT FLORIDA Funding



VISIT FLORIDA's public funding (current fiscal year 2009-2010) totals \$25 million. \$4.25 million is from general revenue and \$20.75 million is from the *Tourism Promotion Trust Fund*. Current fiscal year projection for the trust fund is \$17.3 million which is \$3.45 million less than the original estimate. Although the state of Florida appropriated \$25 million for this fiscal year, VISIT FLORIDA is left with \$21.55 million to invest. Additionally, this year's funding is \$14 million less than the prior fiscal year's (Fiscal Year 2008-2009) high of \$35.55 million.

Fiscal Year 2010-2011 goal is for \$18.2 million in recurring trust fund revenues and \$7.4 million in general revenue to keep VISIT FLORIDA whole at a net funding level of \$25 million.

Support Parental Authority



House Bill 285 (Horner) and Senate Bill 1578 (Baker) authorize natural guardians the authority to waive and release, in advance, a service provider from liability so that a child can participate in a wide range of activities. This is in response to a 2008 Supreme Court ruling that pre-injury release forms that are signed by a guardian and given to a service provider in exchange for the child's participation in a specified activity are *not* enforceable. Without this legislation, many service providers will not be able to insure against the risks that will flow from the unenforceability of these waivers. This may push many providers out of business.

Support Slip and Fall Negligence



House Bill 689 (Aubuchon) and Senate Bill 1224 (Gardner) provides that if a person slips and falls on a foreign object or substance in a business establishment the injured person must *prove* that the establishment had knowledge of the object or substance and should have taken action to remedy it. The knowledge may be proven by circumstantial evidence. This repeals provisions relating to duty to maintain premises and burden of proof in claims of negligence involving foreign objects or substances. Without this legislation businesses will remain at risk of having to incur enormous debts in order to defend lawsuits.

Support Captive Reptiles Restrictions



House Bill 709 (T. Williams) and Senate Bill 318 (Sobel) prohibit any person from possessing, importing, selling, trading, or breeding certain specified reptile species, including reptile designated as reptile of concern by the Florida Fish and Wildlife Conservation Commission. While the FAA recognizes the need to control the proliferation of exotic animals, this legislation must allow exiting zoos and parks to continue to exhibit these animals. This legislation provides certain exceptions applicable to reptiles for which owner holds permit issued before specified date. Florida Attractions Association is working with Florida's Association of Zoos and Aquariums to ensure exemptions include established zoos.

Priority Legislative Issues for 2010 Session (continued)



Support Entertainment Industry Economic Development

House Bill 697 (Precourt) and Senate Bill 1430 (Haridopolos) revise entertainment industry financial incentive program to provide corporate income tax and sales and use tax credits to qualified entertainment entities rather than reimbursements from appropriations.



Oppose any expanded use of the tourist development tax

State Statute Sec. 125.0104 - Local Option Tourist Development Act (no bills filed yet).



Support State Unemployment Tax Increase Suspension

The Economic Development and Community Affairs Policy Council (EDCA1) suspends changes made to tax rates last year in an effort to give employers a two-year reprieve before much higher taxes take effect in 2012. Legislators are pushing the bill because the proposed tax rates for 2010 were much higher than anticipated because the state's unemployment compensation trust fund is in a deficit due to the high unemployment rate.



Tax on Online Travel Agents (OTAs) Services

At issue is whether the counties (bed tax revenue) and state (sales tax revenue) should collect tax from OTAs (i.e. Expedia, Travelocity, Orbitz, etc) on the net received by the lodging establishment for the room or for the total fees paid by the consumer. The Florida Restaurant and Lodging Association supports an exemption on expanding the taxation arguing that OTAs are partners in travel actively promoting Florida destinations and putting "heads in beds". City and county governments (including CVBs) argue the OTAs are sheltering revenues which should be subject to tax and that OTAs should have to remit tax on the total (gross) amount paid.



School Calendar

Support current statute supporting traditional school calendar with no further exemptions provided to counties. Support moving school start to later date to save on higher operating costs in August. (FS Title 48 » Ch. 1001 » Sec. 1001.42)



Florida State Parks

The Florida Attractions Association supports the funding request of the Department of Environmental Protection to maintain, staff, and operate Florida's nationally recognize state park system.



Offshore Energy (Oil & Natural Gas) Exploration

Monitoring.