



Florida
Retail Federation

THE VOICE OF FLORIDA RETAILING



2024

LEGISLATIVE SESSION REPORT

MESSAGE FROM THE PRESIDENT

The 2024 Florida Legislative Session has come to an end and I'm pleased to report that Florida's lawmakers once again ensured Florida remains one of the most business-friendly states in the nation.

The legislature has sent a nearly \$117.5B General Appropriations Act (budget) to the Governor with reported reserves to exceed \$12B. In addition, the legislature included over \$900M in tax cuts and an additional \$4450M for toll relief for Floridians. Given the enormous agenda of 2023 (tort reform, data privacy, etc.), the overall agenda for 2024 was a bit more subdued. Nonetheless, as you will see in the report, our advocacy team was engaged in a wide range of issues impacting the retail industry, and we were successful in achieving a number of important objectives.

I am proud of our work in Tallahassee and note that we find our strength in you – our members. So many of you contribute so much. Far beyond the necessary dues, we are strengthened by your expertise and collaboration with your staff and consultants on the ground at the Capitol.

What follows is a brief summary of the outcomes most relevant to Florida's retailers. As always, the FRF team is available to answer questions, provide more background or otherwise discuss any of these issues and how they may affect your operations in Florida. In the interim, please know that it is an honor to serve this industry and we thank you for your membership and support.

R. Scott Shalley



2024

RETAIL THEFT

THEFT - [HB 549](#) BY REPRESENTATIVE BOB ROMMEL & SENATOR JAY TRUMBULL

Florida continues to lead the way in the fight against retail theft, including organized retail crime. Lawmakers passed a comprehensive retail theft bill that includes the following provisions:

- Revises specified aggregation criteria for retail theft offenses from 30 days to 180 days.
- Prohibits a person from acting in concert with five or more other persons within one or more establishments for the purpose of overwhelming the response of a merchant, merchant's employee, or law enforcement officer in order to carry out the offense or avoid detection or apprehension for the offense, punishable as a third-degree felony.
- Enhances the criminal penalty to a first-degree felony for specified violations of retail theft, when committed by a person who has two or more prior specified retail theft convictions or who possesses a firearm during the commission of a specified retail theft offense.

THE FLORIDA ORGANIZED RETAIL CRIME EXCHANGE (FORCE)

FRF worked collaboratively with the Office of Attorney General Ashley Moody to secure continued funding for the FORCE/Treuth intelligence sharing platform. Senator Jim Boyd took the lead in a one-time appropriation of \$120,000 for FY 2024-25.

TAXATION

THE 2024 TAX PACKAGE — [HB 7073](#)

The Tax Package for FY 2024-25 once again includes a number of holidays providing Floridians with substantial sales tax relief.

The holidays include:

- A Back-to-School STH: July 29 - August 11, 2024
- Two Disaster Preparedness STHs: June 1 - June 14, 2024, and August 24 - September 6, 2024
- Freedom Month: July 1 - July 31, 2024
- Tool Time Holiday: September 1 - September 7, 2024

The Tax Package also provides for:

- Creating of the Childcare Tax Credit under the severance tax, direct-pay sales tax, corporate income tax, beverage tax, and insurance premium tax capped at \$5M.
- Automatic sales tax (10 day) and corporate income tax (15 day) return filing extensions when a disaster is declared within a certain time from the return due date.
- Corporate Income Tax Piggyback to January 1, 2024.
- A new CIT tax credit for hiring individuals with unique abilities.

Note: The original House proposal included an FRF supported reduction in the business rent tax. Unfortunately, the Senate failed to concur in this position. Elimination of this tax will remain a priority in 2025.

GENERAL BUSINESS

INTERCHANGE FEES ON SALES TAX – BUDGET PROVISIO

The legislature took action to mandate a study to present policy options relating to the collection of interchange fees on taxes levied by the state.

The Office of Economic and Demographic Research shall submit a report to the President of the Senate and Speaker of the House of Representatives by December 1, 2024. The report must address the impacts including, but not limited to, technological, financial, and economic impacts on merchants, processors, payment card networks, acquiring banks, issuers, and consumers. The Office may contract with a public or private institution of higher learning or a nationally recognized organization or entity with experience in performing this type of evaluation for the sole purpose of developing some or all of the underlying analysis and findings to be included in the report.

CONSUMER FINANCE LOANS - [HB 1347](#) BY REPRESENTATIVE ROBBIE BRACKETT & SENATOR COLLEEN BURTON

This legislation provides needed relief to allow retailers to effectively provide reasonable financing options.

This legislation will:

- Prohibit operation of consumer finance loan business branches without a license.
- Revise maximum interest rates on consumer finance loans and outlines the minimum time before imposing a delinquency charge on late payments.
- Mandate offering credit education programs to borrowers at no cost and prohibits requiring participation as a loan condition.
- Suspend certain penalties and actions like the application of delinquency charges and repossession of collateral following a federally declared disaster.

RELEASE OF BALLOONS – [HB 321](#) BY REPRESENTATIVE LINDA CHANEY & SENATOR NICK DICEGLIE

This legislation prohibits the intentional release of balloons and specifies that a person commits littering and is subject to a \$150 fine if they intentionally release, organize the release of, or intentionally cause to be released balloons inflated with a gas that is lighter than air. The legislation removes the exemption for balloons that have been determined by the FWC rules to be biodegradable or photodegradable. The law will not apply to a child six years of age or younger.

GENERAL BUSINESS

BACKGROUND SCREENINGS AND CERTIFICATIONS - [HB 975](#) BY REPRESENTATIVE DANA TRABULSY & SENATOR ERIN GRALL

This legislation requires all health care professions licensed by DOH to undergo background screening as a requirement for initial licensure. In response to concerns from some of FRF's members, the bill was amended to exempt Pharmacy technicians and Pharmacy interns.

NICOTINE PRODUCTS AND DISPENSING DEVICES - [HB 1007](#) BY REPRESENTATIVE TOBY OVERDORF & SENATOR KEITH PERRY

This legislation grants authority to the Attorney General to create a directory of nicotine products and dispensing devices that are attractive to minors based on a number of criteria enumerated in the legislation to determine whether the nicotine product is attractive to minors. In making the determination, the Attorney General shall also consider whether the FDA has approved the nicotine device and whether the manufacturer of the product has applied for approval from the FDA. The Attorney General shall make this directory available by January 1, 2025 and shall update the directory as necessary. A nicotine product manufacturer, a retail nicotine products dealer, a wholesaler, or a distributor may not sell, ship, or otherwise distribute a product that is listed on the directory.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES – [SB 1084](#) BY SENATOR JAY COLLINS & REPRESENTATIVE DANNY ALVAREZ

This legislation pertains to several areas regulated by the Florida Department of Agriculture and Consumer Services. Specific to FRF members, this legislation preempts the regulation of vehicle charging stations to the department and will thus prohibit local governments from enacting or enforcing ordinances that mandate businesses to include a certain number of electric charging stations in parking lots.

The legislation also defines “cultivated meats” and makes it unlawful for a person to sell, hold or distribute cultivated meat in this state. A person who knowingly violates this provision commits a second-degree misdemeanor and subjects a food establishment to additional penalties, including license revocation.

GENERAL BUSINESS

EMPLOYMENT REGULATIONS - [HB 433](#) BY REPRESENTATIVE TIFFANY ESPOSITO & SENATOR JAY TRUMBULL

This legislation defines “heat exposure requirements” in the workplace and prohibits a political subdivision from establishing, mandating or requiring an employer to meet or provide heat exposure requirements that are not otherwise required under state or federal law. A political subdivision may not give preference in a competitive solicitation to an employer based on the employer’s heat exposure requirements; however, a political subdivision may still establish or otherwise provide heat exposure requirements for direct employees of the political subdivision. Finally, this legislation prohibits a local government from adopting or enforcing any ordinance that seeks to regulate scheduling, including predictive scheduling by a private employer, except as expressly authorized or required by state or federal law.

EMPLOYMENT AND CURFEW OF MINORS - [HB 49](#) BY REPRESENTATIVE LINDA CHANEY & SENATOR DANNY BURGESS

This legislation addresses the restrictions related to employment of minors aged 15 or younger and 16 and 17 years old. Among other provisions, it allows minors 15 or younger to work before 7 a.m. or after 7 p.m. when school is the next day, and work no more than 15 hours per week during school, and limits work to 3 hours on a school day unless there’s no school the next day. Permits minors 16 and 17 to work before 6:30 a.m. or after 11 p.m. when school is the next day, work more than 8 hours on holidays or Sundays, and work up to 30 hours per week during school, with a waiver option from a parent or superintendent. Exempts certain minors from these regulations, including those who have graduated high school, are exempt from compulsory school attendance, are facing hardships, are in home education or virtual programs, are in domestic service, employed by parents, or are legislature pages.

CYBERSECURITY INCIDENT LIABILITY - [HB 473](#) BY REPRESENTATIVE MIKE GIALLOMBARDO & SENATOR NICK DICEGLIE

This legislation provides that a sole proprietorship, partnership, corporation, trust, estate, cooperative, association, or other commercial entity or third-party agent that acquires, maintains, stores, or uses personal information is not liable in connection with a cybersecurity incident if the entity:

- Substantially complies with the Florida Information Protection Act.
- Adopts standards and guidelines in substantial alignment with the current version of any of six national standards listed.
- Adopts standards and guidelines that substantially align with all four federal laws that may apply to the entity, and
- Updates its standards and guidelines within 1 year of an update to the prevailing standard.

GENERAL BUSINESS

FOOD AND HEMP PRODUCTS – [SB 1698](#) BY SENATOR COLLEEN BURTON & REPRESENTATIVE TOMMY GREGORY

This legislation increases the delta-9 THC cap in hemp products from 2MG per serving to 5MG and 10MG per container to 50MG. This also changes the statutory definition of "hemp" and "hemp extract," banning alternative cannabinoids that are native to the plant from the state's hemp market. It implements new packaging restrictions to prevent products from appealing to children.

PHARMACY

HIV INFECTION PREVENTION DRUGS - [HB 159](#) BY REPRESENTATIVE GALLOP FRANKLIN & SENATOR ALEXIS CALATAYUD

This legislation allows pharmacists to screen adults for HIV and provide results for such screening. This also allows the pharmacists to order and dispense HIV postexposure prophylaxis prevention drugs under a written collaborative practice agreement with a physician, specifying agreement requirements and pharmacist responsibilities.

BEVERAGE

INDIVIDUAL WINE CONTAINERS - [HB 583](#) BY REPRESENTATIVE CHIP LAMARCA & SENATOR JAY TRUMBULL

This legislation revises the regulations on the maximum allowable capacity for individual containers of wine sold. It allows the sale of wine in individual containers holding more than 1 gallon if the containers are reusable and hold exactly 5.16 gallons or are glass containers holding 4.5 liters, 9 liters, 12 liters, or 15 liters of wine, reinforces certain requirements for wine sold by a licensed vendor for off-premises consumption, and creates penalties for noncompliance.

IN-STORE SERVICING OF ALCOHOLIC BEVERAGES - [HB 709](#) BY REPRESENTATIVE ALEX RIZO & SENATOR DANNY BURGESS

This legislation allows distributors of distilled spirits to perform in-store servicing of distilled spirits sold by the distributor to an alcoholic beverage vendor.

BEVERAGE

UNAUTHORIZED SALE OF ALCOHOLIC BEVERAGES - [SB 1090](#) BY SENATOR JONATHAN MARTIN & REPRESENTATIVE DOUG BANKSON

This legislation prohibits the sale of alcoholic beverages without a license or in a manner not permitted by the license and keeping and maintaining a place where alcoholic beverages are sold unlawfully. Also, increases the penalty for a violation of this provision from a second-degree misdemeanor to a third degree felony, and payment of a fine of not less than \$5,000 and not more than \$10,000.

BEAUTY INDUSTRY

CRIMINAL HISTORY OF LICENSEES AND EMPLOYEES - [HB 133](#) BY REPRESENTATIVE KEVIN CHAMBLISS & SENATOR LINDA STEWART

This legislation prohibits a regulatory board within the Department of Business and Professional Regulation (DBPR) from considering a criminal conviction, or any other adjudication, for crimes more than three years before the date the application is received by a board, as grounds for denial of a barber or cosmetologist or cosmetology specialist license. (Current law is more than five years.) However, this prohibition does not apply if the applicant was convicted of a crime at any time during the three-year period immediately preceding the application.

- This does not include sexual predator crimes or forcible felony crimes, or a serious crime that is related to the profession's practice. The intent/focus is for minor crimes.
- Requires the DBPR's regulatory boards to approve education program credits offered to inmates in any correctional institution or correctional facility as vocational training or through an industry certification program for the purpose of satisfying applicable training requirements for licensure as a barber or cosmetologist.

GENERAL BUSINESS

ACCEPTANCE OF CASH PAYMENTS BY BUSINESSES - SB 106 BY SENATOR SHEV JONES & HB 35 BY REPRESENTATIVE JOEL RUDMAN

This legislation would have required any business that operates at a permanent, mobile, or temporary site to accept cash payments by a customer physically present. These bills would have prohibited businesses from charging fees on cash transactions and would have allowed businesses to utilize cash-to-card kiosks as a means of accepting cash payments. Lastly, there was a civil penalty for violations up to \$10,000, depending on the number of offenses.

EXEMPTIONS FROM PRODUCTS LIABILITY ACTIONS – SB 1252 BY SENATOR JAY COLLINS & HB 347 BY REPRESENTATIVE KEITH TRUENOW

This legislation would have provided that an agricultural employer, or a distributor, dealer, or applicator of pesticides may not be sued in a product liability action related to pesticides unless such persons were at fault for harm resulting from a defective pesticide product. The type of conduct that would make an employer, distributor, dealer, or applicator of pesticides at fault for a defective pesticide product would have been limited to:

- Exercising substantial control over the aspect of the design, testing, manufacture, or labeling that led to the personal injury.
- Altering or modifying the product and the alteration or modification was a substantial factor in causing the injury.
- Acting inconsistently with the manufacturer's product label and such action caused the injury.

SUSTAINABILITY

REGULATION OF AUXILIARY CONTAINERS - SB 1126 BY SENATOR JONATHAN MARTIN & HB 1641 BY REPRESENTATIVE BRAD YEAGAR

This legislation would have clarified the existing preemption of single-use plastics. The legislation also provided a definition of auxiliary containers which does not currently exist in statute.

SUSTAINABILITY

REGULATION OF SINGLE-USE PLASTIC PRODUCTS - SB 698 BY SENATOR ANA MARIA RODRIGUEZ

This legislation would have directed Department of Environmental Protection (DEP) to periodically update the 2010 report on retail bags analyzing the need for new or different regulation of auxiliary containers, wrappings, or disposable plastic bags used by consumers to carry products from retail establishments, starting in 2028. The report would have been required to be updated every five years.

This would have also created a coastal community pilot program to regulate single-use plastic products. The coastal community would have been responsible for collecting pertinent data relating to the effectiveness and impacts of regulating single-use plastic products and for compiling a report for the governing body of the coastal community and DEP. Ordinances regulating single-use plastic products cannot authorize or impose new taxes or fees and must be set to expire by June 30, 2027.

PREEMPTION OF RECYCLABLE AND POLYSTYRENE MATERIALS - SB 498 BY SENATOR LINDA STEWART

This legislation would have removed the state preemption of local laws regarding the regulation of auxiliary containers, wrappings, or disposable plastic bags, and the state preemption of local laws regarding the use or sale of polystyrene products to the Department of Agriculture and Consumer Services.

PHARMACY

PHARMACY - SB 444 BY SENATOR JAY COLLINS & HB 493 BY REPRESENTATIVE SPENCER ROACH

This legislation would have created a new pharmacy permit category for the operation of a remote site pharmacy. A remote site pharmacy is a location where a supervising pharmacist dispenses medicinal drugs, acts in the capacity of a prescription department manager, and remotely supervises the register pharmacy technician who handles the sales transactions and the delivery of the drugs.

BEVERAGE

BEVERAGE LAW - SB 1348 BY SENATOR NICK DICEGLIE & HB 1107 BY REPRESENTATIVE BRAD YEAGAR

This legislation would have allowed malt beverage manufacturers to transfer products between manufacturers and adjust the licensing fees based on production sizes. Licensed craft breweries would have been able to conduct tastings and sell malt beverages at designated events.

SPIRITUOUS BEVERAGES - SB 384 BY SENATOR ED HOOPER & HB 603 BY REPRESENTATIVE WYMAN DUGGAN

This legislation would have increased the maximum size of distilled spirits containers that distributors or vendors can sell or distribute in Florida. This legislation would have also expanded the eligibility for conducting tastings and sales at Florida fairs, trade shows, farmers markets, expositions and festivals to distilleries and craft distilleries and primary American sources of supply including those licensed in other states.

BEAUTY INDUSTRY

LIMITED BARBERING - SB 704 BY SENATOR KEITH PERRY & HB 785 BY REPRESENTATIVE SUSAN VALDES

Actively opposed by FRF, this legislation would have allowed a person without a license to practice barbering to perform services designated by the board as limited barbering, if the person:

- Performed limited barbering under the supervision of a licensed barber in a licensed barbershop.
- Had not been disciplined relating to the practice of barbering in the previous 3 years, and
- Had successfully completed any education course requirements the board requires on sanitation safety, including education on HIV and AIDS, if such education is a condition of granting a license to practice barbering.