


BAL HARBOUR

- V I L L A G E -

OFFICE OF THE VILLAGE MANAGER

LETTER TO COUNCIL

NO. 086-2019

To: Mayor Gabriel Groisman and Members of the Village Council
From: Jorge M. Gonzalez, Village Manager 
Date: May 21, 2019
Subject: **Legislative Session Final Report 2019**

The purpose of this Letter to Council (LTC) is to transmit the attached Legislative Session Final Report provided by Ron L. Book.

If you have any questions or need any additional information, please feel free to contact me.

JMG/MH



Ronald L. Book, P.A.
LAW OFFICES
PROFESSIONAL ASSOCIATION

Bal Harbour Village 2019 Session –Final Report

On behalf of Ronald L. Book, Kelly Mallette, and myself, we would like to first and foremost extend our appreciation for the continued opportunity to represent Bal Harbour Village.

After a one-day extension to vote on the budget and budget related bills, the Legislature adjourned, Sine Die, May 4, 2019 at 2:03 pm. Included in this report are summaries of legislation affecting local governments considered during the 2019 Regular Session. Should you have any questions regarding budget information, legislation, or legislative action, please do not hesitate to call or email us.

Funding Request:

- **Bal Harbour Village Storm Water System Improvements**
Sponsors: Senator Pizzo, Representative Geller
Local Match: 50%

Funded: \$300,000

LEGISLATIVE ISSUES: Below please find a comprehensive summary of legislation of interest to the Village. Should you need further information, please do not hesitate to email or call. We are happy to provide further detail on these or any other issues of interest to you.

➤ **BILLS THAT PASSED:**

Anti-Semitism: HB 741/ SB 1272

House Sponsors: Representatives Fine, Caruso, CoSponsors: Altman, Byrd, Donalds, Fernandez-Barquin, Fetterhoff, Fischer, Grall, Grant (M), Gregory, Killebrew, LaMarca, Leek, Polsky, Ponder, Roach, Robinson, Rodriguez (AM), Rommel, Roth, Slosberg, Smith (D), Stark, Watson (C), Yarborough

Senate Sponsors: Gruters CoSponsors: Albritton, Baxley, Bean, Benacquisto, Berman, Book, Bracy, Bradley, Brandes, Braynon II, Broxson, Cruz, Diaz, Farmer, Jr., Flores, Gainer, Galvano, Gibson, Harrell, Hooper, Hutson, Lee, Mayfield, Montford, Passidomo, Perry, Pizzo, Powell, Rader, Rodriguez (J), Rouson, Simmons, Simpson, Stargel, Stewart, Taddeo, Thurston, Jr., Torres, Jr., Wright

The bill prohibits discrimination on the basis of religion in the K-20 public school system. Additionally, the bill requires public K-20 educational institutions to treat discrimination “by students or employees or resulting from

institutional policies motivated by anti-Semitic intent in an identical manner to discrimination motivated by race.” The bill provides that, for the purposes of the anti-Semitism provision, anti-Semitism includes:

- A certain perception of the Jewish people, which may be expressed as hatred toward Jewish people.
- Rhetorical and physical manifestations of anti-Semitism directed toward a person, his or her property, or toward Jewish community institutions or religious facilities.

The bill also provides many examples of anti-Semitism, including:

- Calling for, aiding, or justifying the killing or harming of Jews, often in the name of a radical ideology or an extremist view of religion.
- Accusing Jews as a people or the State of Israel of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or the alleged priorities of Jews worldwide, than to the interest of their own nations.

The bill also provides that examples of anti-Semitism related to Israel include:

- Applying a double standard to Israel by requiring behavior of Israel that is not expected or demanded of any other democratic nation or focusing peace or human rights investigations only on Israel.
- Delegitimizing Israel by denying the Jewish people their right to self-determination and denying Israel the right to exist.

The Senate voted 40 – 0 and the House voted 114 – 0 in support. Governor DeSantis has announced he will sign this bill while in Israel in the upcoming days.

Texting and Driving – Primary Offense / School Crossing, School Zone, Construction Zone – Hands Free Use Required: HB 107/SB 76

HB 107 has passed the full House and Senate and awaits action by the Governor. The bill as passed contains two overall goals which are listed below. The bill:

- Authorizes texting and driving as a primary offense.
- Authorizes as a primary offense, talking on a phone “in a hand held manner” while driving in a school crossing, a school zone, and a work zone when workers are present.

The legislation specifically:

- Makes clear that the officer is required to let the driver know his or her right to refuse to turn over the phone, cannot access it without a warrant, the officer cannot confiscate the phone without a warrant, cannot obtain consent from the driver to search the phone through coercion, and the bill states that if the driver consents to a cell phone search, it has to be done voluntarily and unequivocally.
- States that officers must record race and ethnicity of the driver and report this data to FDLE. Local law enforcement will be required to maintain records of this data and FDLE must report the data to the Governor and Legislature annually, beginning February of 2020.
- Language was amended in the Senate to specifically separate out talking on a phone “in a hand held manner” while in a school crossing, school zone, and work zones when workers are present.
 - This section creates a time frame for a warning period for the use of cell phones in these areas from October 1, 2019 through December 31, 2019 that an officer may stop vehicles to issue a verbal or written warning to educate and inform the public.
 - Effective January 1, 2020, a law enforcement officer may stop and issue a citation to persons driving and talking on the phone “in a hand held manner” in these areas.
 - Creates exceptions to this section which are as follows: an individual performing an official duty while as a driver of an emergency vehicle, an individual reporting an emergency or crime, receiving messages that are navigation in nature, safety related information, radio broadcasts, or using the device in a hands-free manner.

- The specific section above that requires the officer to inform the driver of his or her rights is also written to apply to this section.
- This section also includes the requirement to record the race and ethnicity of the driver and report data to FDLE, local law enforcement would also be required to record and keep this information, lastly, FDLE would be required to report this to the Governor and Legislature annually.
- Any person who violates this section commits a noncriminal traffic infraction, punishable as a moving violation, and would have 3 points be assessed against his or her driver's license. For a first offense, however, in lieu of the penalty and the assessment of points, a person could choose to participate in a wireless communications device driving safety program approved by the DHSMV. After which, the penalty may be waived by the clerk of court, and the assessment of points must be waived. Additionally, the clerk may dismiss a case and assess court costs for a person cited for a first time violation if the person shows the clerk proof of purchase of equipment that allows his or her personal phone be used in a hands-free manner.

Additionally, the bill also allows for the following:

- DHSMV in consultation with DOT, is authorized to implement a statewide campaign to raise awareness of and encourage compliance with this new law.
- DHSMV will contract with counties, local law enforcement agencies, safety councils, and public schools to assist with planning and conducting the statewide campaign.
- Except where otherwise noted above, this law would take effect July 1, 2019.

HB 107 has passed both the House and Senate and is awaiting action by the Governor.

Permit Fees HB 127/SB 142

- The bills require governing bodies of counties and municipalities to post permit and inspection fee schedules and building permit and inspection utilization reports on their websites by December 31, 2020.
- After December 31, 2020, the governing body of a local government that provides a schedule of fees must update its building permit and inspection utilization report before adjusting the fee schedule.

HB 127/SB 142 has passed both the House and Senate and is awaiting action by the Governor.

➤ **BILLS THAT DID NOT PASS:**

Vacation Rental Regulation/Preemption: HB 987/SB 824

Vacation Rental preemption of local government regulation did not pass. Throughout this Session, we worked closely with the FLC to oppose this bill with members of both the House and Senate. During week 6, HB 987 was heard in the Commerce Committee and as part of the push with the team of lobbyists that work with local governments and with the League of Cities, several amendments were offered in an effort to weigh down the bill and highlight several problems with state regulation and local government preemption. These amendments are briefly summarized below. After lengthy debate, testimony from cities and the public, and two 15 minute extensions of the committee's end time, this bill passed 13 – 11. However, the Senate chose not to hear the bill later this same day in its scheduled committee. Below is a recap from week 6 of the amendments offered to the vacation rental bill in the final House committee hearing.

Amendments included the following issues:

- Required that an operator of a vacation rental maintain liability insurance coverage, to be in force at all times to cover vacation rental guests. (passed)
- Reinstated the grandfather clause. (failed)
- Required a registry and notification process for sexual offenders choosing to stay in a vacation rental. (passed)

- Required vacation rental inspections by DBPR and to do these inspections, the division has the right of entry and access to vacation rental establishments at any reasonable time. (in two amendments - failed)
- Attempted to clarify that Condominium and Homeowner Associations rules and bylaws remain in effect as it pertains to limiting an owner's use of property as a vacation rental. (passed)
- Addressed local government regulation of vacation rentals except a property also used as a homestead, as described in s. 6(a), Art. VII of the State Constitution. (failed)

HB 987/SB 824 did not pass.

Preemption of Local Regulations: HB 3

The bill would have accomplished the following:

- Preempts the licensing of occupations to the state and supersedes any local government licensing of occupations. However, any licensing adopted prior to July 1, 2019, will continue to be effective until July 1, 2021, at which time it will expire.
- Any licensing of occupations authorized by general law is exempt from the preemption.
- Prohibits local governments from requiring a license for a person whose job scope does not substantially correspond to that of a contractor or journeyman type licensed by the Construction Industry Licensing Board, within DBPR
- Precludes local governments from requiring a license for: painting, flooring, cabinetry, interior remodeling, driveway or tennis court installation, and decorative stone, tile, marble, granite, or terrazzo installation, plastering, stuccoing, caulking, canvas awning installation, and ornamental iron installation.
- Authorizes counties and municipalities to issue journeyman licenses in the plumbing, pipe fitting, mechanical and HVAC trades, as well as, the electrical and alarm system trades, which is the current practice by counties and municipalities. (Meaning, local journeyman licensing is exempt from this preemption).

HB 3 did not pass.

Governmental Powers/Preemptions: HB 1299

HB 1299 would have enacted a number of restrictions on local governments, including the following:

- Except as provided for in s. 171.205, F.S., a municipality may not purchase land within another municipality's boundaries without their consent;
- The governmental entity may not attempt to annex an area within another governmental entity's jurisdiction without the other governmental entity's consent.
- Prohibits municipalities from levying taxes on cigarettes, cigars, nicotine products, and dispensing devices.
- Preempts to the state, the establishment of the minimum age for the sale or delivery of tobacco products, nicotine products, and nicotine dispensing devices.
- Amends the Florida Drug and Cosmetic Act to preempt the regulation of over-the-counter proprietary drugs and cosmetics, to the state. (meant to target the sale of sunscreen as it pertains to the reported damage to coral reef)
- Amends s. 526 F.S., the sale of liquid fuels; brake fluid section, to include a preemption to the state and to DEM, the establishment of the requirements for alternate generated power sources, including transfer switches.
- A municipality, county, or other local government entity may not adopt, enforce, or implement any ordinance, rule, or law that would impose additional requirements for maximum fuel supply or safe temperature and cooling requirements related to the comprehensive emergency management plan.
- Preempts to the state the regulation of single use straws and allows for businesses to distribute plastic straws upon request or through a dispenser. (this preemption would not apply to a hospital or nursing,

rehabilitation, or other health care facility). *A moratorium on local regulation of plastic straws passed in HB 771

- Clarifies that local governments cannot regulate a food service establishment regulation of single-use plastic straws, which is preempted to the state. Stating that a municipality, county, or other local governmental entity may not adopt, enforce, or implement any ordinance, rule, or law that would restrict a food service establishment from distributing single-use plastic straws to customers. *A moratorium on local regulation of plastic straws passed in HB 771

HB 1299 did not pass.

Traffic Infraction Detector Repeal (Red Light Cameras): HB 6003, SB 622

- Repeals provisions relating to Mark Wandall Traffic Safety Program and the authorization to use traffic infraction detectors.
- Repeals provisions relating to distribution of penalties, transitional implementation, and placement and installation.

HB 6003/SB 622 did not pass.
