

# BAL HARBOUR

- V I L L A G E -

OFFICE OF THE VILLAGE MANAGER

LETTER TO COUNCIL

NO. 031-2021

To: Mayor Gabriel Groisman and Members of the Village Council

From: Jorge M. Gonzalez, Village Manager

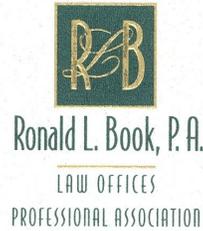
Date: March 8, 2021

Subject: **Legislative Session 2021 - Week 1 Report**

The purpose of this Letter to Council (LTC) is to transmit the attached Legislative Session Week 1 Report provided by Ron L. Book.

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

JMG/MH



## Week 1 Report Session 2021

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Enclosed is our 2021 Session Report for week 1 which includes an update on legislative issues as well as the funding request. Please let us know if you have questions on issues included in this report, or on any other issue of concern. We will be happy to provide information to you.

➤ **FUNDING REQUEST UPDATE:**

- **Bal Harbour Village Stormwater System Improvements** sponsored by Representative Geller and Senator Pizzo

Over the course of the last several weeks, we worked to ensure the required House and Senate forms were completed and accurate, we secured the House and Senate sponsors, and are now working with Chairwoman Tomkow of the House Agriculture and Natural Resources Appropriations Subcommittee to ensure a hearing. This Session, the House allows funding request bills to be heard on subcommittee consent calendars. We expect this bill to be heard in the upcoming weeks. This hearing is a required step to eligibility for funding within the first draft of the House budget. While the Senate process does not require committee hearings, we have met with Chairman Albritton regarding this project as well and will continue to meet with both chairs weekly regarding funding.

➤ **ISSUES UPDATE:**

**Combating Public Disorder/sovereign immunity issues:** HB 1 sponsored by Representative Fernandez-Barquin and its Senate companion bill, SB 484 by Senator Burgess, is intended to give law enforcement and prosecutors additional tools to prevent violence and property destruction and to hold any person who uses a protest as an opportunity to commit crime accountable for their actions.

Of note, included in this bill are provisions that directly affects municipalities and local governments. The bill:

- Creates a process by which a citizen of a municipality may challenge a reduction to the operating budget of a municipal law enforcement agency.
- Waives sovereign immunity for tort claims arising from a riot or unlawful assembly if the governing body of a municipality interferes with law enforcement's ability to provide reasonable police protection.

The House bill is ready for a hearing in its last committee stop, and the Senate companion bill has not yet been heard.

**Sovereign Immunity:** HB 1129 by Representative Fernandez-Barquin and the Senate companion, SB 1678 by Senator Diaz would raise the cap for a claim by an individual from \$200,000 to \$500,000 and the per-

occurrence limit from \$300,000 to \$1 million. Additionally, the bill includes that Beginning July 1, 2022, annually, the caps must be adjusted to reflect changes in the Consumer Price Index for the Southeast or a successor index as calculated by the U.S. Department of Labor. This bill has not yet been heard but we continue to monitor this legislation.

**Civil Liability for Damages Relating to COVID-19:** HB 7 by Representative McClure and SB 72 by Senator Brandes. The House bill, CS/HB 7 provides several COVID-19-related liability protections for businesses, educational institutions, government entities and religious organizations. Under the bill, entities that makes a good faith effort to substantially comply with applicable COVID-19 guidance would be immune from civil liability from a COVID-19-related civil action. This week, the Speaker noted that the House will separately address COVID liability protections for health care providers and facilities, including nursing homes and long-term care facilities.

HB 7 passed the full House this week by a vote of 83-31. The Senate companion has passed 2 of its 3 committees of reference.

**Vacation Rental Preemption/Regulation:** CS/SB 522, sponsored by Senator Diaz, preempts regulation of vacation rentals to the state, including the inspection and licensing of vacation rentals. We are working again this year, in conjunction with the Florida League of Cities, to oppose this bill.

The main provisions of this bill include the following:

- A local government may regulate activities that arise when a property is used as a vacation rental, provided the regulation applies uniformly to all residential properties.
- Maintains current law that local governments may not prohibit vacation rentals or regulate the duration or frequency of vacation rentals.
- Maintains the current “grandfathered” status for local laws, ordinances, or regulations adopted on or before June 1, 2011
- Provides that a local government may amend a grandfathered regulation to be less restrictive
- An area of critical state concern (the Florida Keys) could continue to regulate and inspect vacation rentals, prohibit vacation rentals, or regulate the duration or frequency of rental of vacation rentals, if the laws, ordinances, or regulations were adopted before June 1, 2011.
- Requires advertising platforms to adopt anti-discrimination policies and to inform users of the public lodging discrimination prohibition found in s. 509.092, F.S.
- Advertising platforms are required by the bill to collect and remit any taxes imposed under chs. 125, 205, and 212, F.S., that result from payment for the rental of a vacation rental property on its platform.
- Allows DOR to adopt emergency rules for six month which may be renewed until permanent rules are adopted
- Provides that its terms do not supersede any current or future declaration or covenant for condominium, cooperative, or homeowners’ associations.

**Building Design:** HB 55 by Representative Overdorf and SB 284 by Senator Perry

This bill:

- Prohibits local governments from adopting land development regulations that require specific building design elements for single- and two- family dwellings, unless certain conditions are met.
- Provides that local governments may adopt land development regulations requiring certain building design elements to single- and two-family dwellings when:
  - The dwelling is a historic property or located in a historic district;
  - The regulations are adopted in order to implement the National Flood Insurance Program;

- The regulations are adopted in accordance and compliance with the procedures for adopting local amendments to the Florida Building Code; or
- The dwelling is located in a community redevelopment area.

We continue to work to oppose this bill with the Florida League of Cities. However the bill has passed two of its 3 committees of reference with votes of 12 – 5 and 12 – 6 respectively. HB 55 will be heard on the Commerce Committee agenda on 3/9. Also of note, the Senate companion bill, SB 284 has not yet been heard.

➤ Session Dates: March 2, 2021 through April 30, 2021.