

BAL HARBOUR

- V I L L A G E -

OFFICE OF THE VILLAGE MANAGER

LETTER TO COUNCIL

NO. 035-2021

To: Mayor Gabriel Groisman and Members of the Village Council

From: Jorge M. Gonzalez, Village Manager



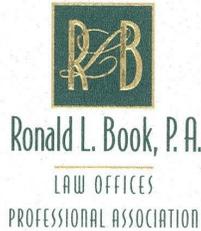
Date: March 15, 2021

Subject: **Legislative Session 2021 - Week 2 Report**

The purpose of this Letter to Council (LTC) is to transmit the attached Legislative Session Week 2 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 2 Report Session 2021

Enclosed is our 2021 Session Report for week 2 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 Senator Pizzo and Representative Geller and (LFIR 1164, HB 2395)

This week, HB 2395 was heard and passed on the House Agriculture and Natural Resources Appropriations Subcommittee consent agenda this week. We are working closely with Chairwoman Tomkow to ensure a hearing on this funding request and to advocate for funding. 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 continue to meet with Chairman Albritton regarding this project as well and will meet weekly with both chairs 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 on a fast track and has passed its last committee stop this week. 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.

Neither bill has been heard to date, however we are watching these as well as any amendment that may be offered to the Civil Liability bill, HB 7.

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.

In the Senate this week, Senator Brandes amended this bill to now include liability protections as they pertain to health care entities as well. (SB 74) This applies if the defendant made a good faith effort to substantially comply with government health guidelines. Additionally, the bill states that the plaintiff would need to prove with “clear and convincing evidence” that a defendant acted with “gross negligence.”

This amended Senate bill then passed its 3rd and final committee. As reported, HB 7 passed the full House by a vote of 83-31.

Vacation Rental preemption and regulation: This week, SB 522 was heard in Senate Appropriations committee and was substantially amended.

First, the bill was amended to provide funding to DBPR for three positions to enforce provisions of the bill, and funding to FDLE to provide for two positions for information and technology regarding the sexual offender notification provisions of the bill. Regarding this provision, Senator Book asked in committee about the reporting time frame, and the sponsor, Senator Diaz responded that they together will continue to draft language that would move the 3 day reporting period required of the sexual offender (current bill language) down to 24 hours. This bill has one committee reference remaining, the Rules committee, and has adequate time to accomplish this modification by amendment.

The second amendment removed all provisions of the bill that preempts inspections and licensing to the state and that would require all regulation to be applied across all regulated properties. This keeps in place current law, keeping in place local government ordinances grandfathered in that were enacted prior to June 1, 2011.

The preemptions in this bill now are for the regulation of the vacation rental platform. The League of Cities has testified in committee that with these changes, they are now neutral on this version of the bill.

SB 522 passed Senate Appropriations 13 – 5 and will next be heard in the Senate Rules committee. HB 219 has not been heard since it passed its first committee on 2/10. We expect movement of the House bill with language that mirrors the Senate amendments detailed above.

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.

- 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.

HB 55 was amended in the Commerce Committee to allow for the following:

- Provide that local governments may apply building design restrictions to dwellings in a planned unit development or a master planned community created by a local ordinance enacted on or before July 1, 2021.
- Define “planned unit development” and “master planned community” as an area of land that is planned and developed as a single entity or in approved stages with uses and structures substantially related to the character of the entire development, or a self-contained development in which the subdivision and zoning controls are applied to the project as a whole rather than to individual lots.

We continue to work to oppose this bill with the Florida League of Cities and are currently developing amendment language with the League and the House sponsor. HB 55 passed the Commerce Committee, 18 – 5 and the Senate bill, SB 284 will be heard in Community Affairs on 3/16.

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