

# BAL HARBOUR

- V I L L A G E -

OFFICE OF THE VILLAGE MANAGER

LETTER TO COUNCIL

NO. 040-2021

To: Mayor Gabriel Groisman and Members of the Village Council

From: Jorge M. Gonzalez, Village Manager 

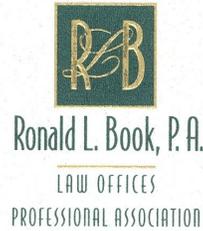
Date: March 22, 2021

Subject: **Legislative Session 2021 - Week 3 Report**

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

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

JMG/MH



## Week 3 Report Session 2021

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Enclosed is our 2021 Session Report for week 3 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)

As reported, HB 2395 was heard and passed on the House Agriculture and Natural Resources Appropriations Subcommittee consent agenda. We are working weekly with Chairwoman Tomkow to advocate for funding. This hearing was 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.

As we move through the budget process, we continue to meet with both subcommittee chairmen for funding for this budget request and we again met with the Senate and House Appropriations chairmen of the full committees, House Chair Trumbull and Senate Chair Stargel to advocate for this funding request.

➤ **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.

HB 1 will be heard by the full House on 3/25. The Senate companion bill has not 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, however we have had ongoing discussions since late summer and the fall of 2020, with House and Senate leadership regarding the negative impact to local governments. We continue to work to oppose this bill, which at this point in Session's week 2, has stalled. However, we continue to watch these bills for movement as well as watch for any amendments regarding sovereign immunity caps that could be offered elsewhere, such as in the bill moving through the process regarding civil liability for damages relating to COVID-19. During week 3, there has been no change on this issue, however we do continue to closely monitor as we move through Session.

**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, Senator Brandes amended this bill to now include liability protections as they pertain to health care entities as well. (incorporating 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."

The House bill does not include many of the health care liability provisions at this time, and it passed the full House this week. The Senate bill will be heard by the full Senate on 3/25.

**Vacation Rental preemption and regulation:** This week, the Senate version, SB 522, was not heard. However, late this week the House companion bill, HB 219, was scheduled for a hearing on 3/22. This bill remains an earlier, more restrictive version of the vacation rental bill and does not have amendments filed that would conform it to the Senate version. We continue to work with the Florida League of Cities, other municipal lobbyists and various members in the House and Senate to oppose this legislation.

**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 and the bill sponsors. However, the House bill has passed all its committees. The Senate bill is scheduled for its second committee on 3/23.

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