

BAL HARBOUR

- V I L L A G E -

OFFICE OF THE VILLAGE MANAGER

LETTER TO COUNCIL

NO. 046-2021

To: Mayor Gabriel Groisman and Members of the Village Council

From: Jorge M. Gonzalez, Village Manager



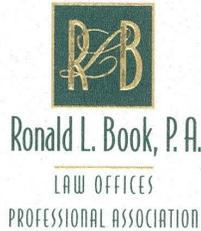
Date: March 31, 2021

Subject: **Legislative Session 2021 – Past Week**

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 4 Report Session 2021

Enclosed is our 2021 Session Report for week 4 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** (LFIR 1164, HB 2395)
Amount Requested: \$535,000 Sponsors: Senator Pizzo, Representative Geller

Funding Status:

House: \$0

Senate: \$250,000 (Senate budget line 1607A)

At this point during Session, we continue our meetings with leadership, working toward budget conference to push for full funding in the final budget. Now, both the House and Senate have produced a budget to be heard in their Appropriations committees and then on the House and Senate floor. At that point, they move into budget conference. As we continue our work, we meet frequently with both subcommittee chairs and with the Senate and House Appropriations chairs 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. While HB 1 has passed the House, its destiny may not be as clear in the Senate, as it has not been heard in any committee to date.

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 has passed the full House with a vote of 76 – 39.

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 these bills. 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 the language contained in the bill moving through the process regarding civil liability for damages relating to COVID-19.

Civil Liability for Damages Relating to COVID-19: SB 72 by Senator Brandes (and companion bill by Representative McClure). SB 72 in its signed version, is a combination of SB 72 and SB 74. SB 72 creates civil liability protections for individuals, businesses, governmental entities, and other organizations against COVID-19-related claims, and is combined with SB 74 which provides lesser liability protections to health care providers and provides procedures for civil actions against them.

SB 72 was signed by the Governor, on 3/29.

Vacation Rental preemption and regulation: Again this week, the Senate version, SB 522, was not heard. However, this week the House companion bill, HB 219, was scheduled for a hearing on 3/22, but was temporarily postponed and not heard. The House bill remains as an earlier 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. Working with the League, we worked to defeat this bill in committee. It remains to be seen if this bill will be put on a remaining agenda.

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.

The House bill will be heard by the full House on 3/31. The Senate bill has passed 2 of its 3 committees.

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