

BAL HARBOUR

- V I L L A G E -

OFFICE OF THE VILLAGE MANAGER

LETTER TO COUNCIL

NO. 060-2021

To: Mayor Gabriel Groisman and Members of the Village Council

From: Jorge M. Gonzalez, Village Manager



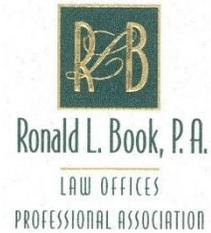
Date: April 19, 2021

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 7 Report Session 2021

Enclosed is our 2021 Session Report for week 7 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: (pre-conference)

House: \$0

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

- We are currently in the process of the legislative budget conference process. After meeting through the weekend, the funding levels for “water” projects have not been settled, and funding remains at the levels noted above. We continue to meet regularly with both subcommittee chairmen and with the Chairs of both the Senate and House Appropriations committees to advocate for this funding request.
-

➤ **ISSUES UPDATE:**

Vacation Rental preemption and regulation: SB 522 was to be heard in Senate Rules, on 4/14. 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 an earlier, more restrictive version of the vacation rental bill.

Working with the League, we secured a vote count for the House bill in committee that would have killed this version, likely the reason for the House bill postponement.

The Senate vacation rental bill as drafted does the following: SB 522, sponsored by Senator Diaz, preempts regulation of vacation rentals to the state, including the inspection and licensing of vacation rentals. The main provisions of the Senate 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.

Again, the House bill has not been heard since it was temporarily postponed in committee on 3/22, however with the Senate bill moving, this could change quickly.

The Senate version of the vacation rental bill, SB 522 was to be heard in Senate Rules, on 4/14 but was temporarily postponed. It is scheduled again to be heard on 4/20 with an amendment filed on which FAC and the FLC have taken a neutral position.

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 was scheduled to be heard by the full House on 3/31 but was temporarily postponed without comment. The Senate bill has passed 2 of its 3 committees but was not heard this week.

However, the building design bill language was released as an amendment to SB 1146, a building code bill, which will be heard on 4/20. We are working with the Florida League of Cities to oppose this language as written.

Combating Public Disorder/Sovereign Immunity Issues: HB 1 sponsored by Representative Fernandez-Barquin and its Senate companion bill, SB 484 by Senator Burgess.

The bill, HB 1 was signed into law today, 4/19 by the Governor and is now in effect.

The bill addresses acts of public disorder to define previously undefined offenses of affray, riot, and inciting a riot and create the offenses of aggravated rioting and aggravated inciting a riot.

The bill also:

- Requires a person arrested for unlawful assembly, riot, and certain offenses committed in furtherance of a riot or aggravated riot, to be held in jail until he or she appears for a first appearance hearing and a court determines bond;
- Creates a budget appeal process to challenge reductions in municipal law enforcement agencies' budgets similar to that available to a county sheriff;
- Corrects constitutional infirmities in the current prohibition against obstructing a roadway;
- Provides that a municipality is civilly liable for specified damages proximately caused by the municipality's breach of a duty to allow the municipal law enforcement agency to respond appropriately to protect persons and property during a riot or an unlawful assembly;
- Increases penalties for assault and battery, and increases offense severity level rankings for aggravated assault and aggravated battery, when committed in furtherance of a riot or an aggravated riot;
- Creates the crime of mob intimidation, which prohibits a mob from using force or the threat of imminent force to compel or induce, or attempt to compel or induce, a person to do or refrain from doing any act or to assume, abandon, or maintain a particular viewpoint against that person's will;
- Provides for a six-month mandatory minimum sentence for battery on a law enforcement officer if the offense was committed in furtherance of a riot or an aggravated riot;
- Increases the offense severity level rankings for assault and battery on a law enforcement officer or other specified official when the offense was committed in furtherance of a riot or an aggravated riot;
- Punishes criminal mischief that involves damaging a memorial or historic property if the damage is greater than \$200, and requires restitution of the full cost of repair or replacement of the memorial or historic property, more commonly known as confederate monuments.
- Creates the crime of destroying or demolishing a memorial or historic property and requires restitution of the full cost of repair or replacement of the memorial or historic property;
- Reclassifies the degree, and increases the offense severity level ranking, of specified burglary and theft offenses committed during a riot or an aggravated riot when facilitated by conditions arising from the riot;
- Creates the crime of cyberintimidation by publication, which prohibits a person from electronically publishing another person's personal identification information with the intent to incite violence or commit a crime against the person or threaten or harass the person, placing the other person in reasonable fear of bodily harm;
- Creates an affirmative defense in a civil action for damages for personal injury, wrongful death, or property damage that such action arose from injury or damage sustained by a participant acting in furtherance of a riot;
- Increases the offense severity ranking level of offenses involving injuring or removing a tomb or monument; and
- Ranks battery during a riot or an aggravated riot and other offenses in the offense severity level ranking chart of the Criminal Punishment Code.

The bill took effect upon becoming a law. HB 1 was signed into law today, 4/19 by the Governor and is now in effect.

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.

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 been heard and we continue to work to oppose these bills and this issue. We are watching for any amendments regarding sovereign immunity caps.

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