

BAL HARBOUR

- V I L L A G E -

OFFICE OF THE VILLAGE MANAGER

LETTER TO COUNCIL

NO. 035-2018

To: Mayor Gabriel Groisman and Members of the Village Council

From: Jorge M. Gonzalez, Village Manager



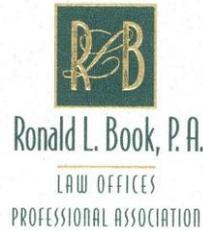
Date: February 23, 2018

Subject: **Legislative Session Week 6 Report - February 12-16, 2018**

The purpose of this Letter to Council (LTC) is to transmit the attached Legislative Session Week 6 Report provided by Ron L. Book.

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

JMG/AC



2018 Session Week 6 Report

Enclosed is our 2018 Session, Week 6 Report. 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.

- **BUDGET UPDATE:** As reported, during week 5, both the House and Senate passed their respective budgets and we are awaiting notice for conference committee meetings to begin. No conference meetings have been scheduled to date. The budget update will remain consistent with the information below as we move toward budget conference. We continue our meetings with both the House and Senate Appropriations committee chair, members and the House and Senate leadership on funding of the items below.

BUDGET REQUESTS

Bal Harbour Village – Bakers Haulover Inlet Bypassing Project HB 4109: This project will reconfigure the north jetty at the inlet to enhance sand deposition to keep sand out of the ebb and flood shoals. The jetty will be configured for fishing and public access. At regular intervals, the beach (updrift, to the north) will be dredged and sand bypassed to “downdrift” areas of the County, thereby maximizing inlet bypassing. The interval of dredging will be every 2-4 years.

Local Match: 50%

Sponsors: Senator Campbell, Representative Geller

Amount Requested: \$750,000

- **Update:** The Senate budget contains \$200,000 and the House budget does not include funding at this time. Budget conference committees will meet after week 6.

Bal Harbour Village – Roadway infrastructure improvements and rehabilitation HB 4127: Funding will provide improvements for traffic flow, pedestrian flow, and the safety of roadways and sidewalks of Collins Avenue and 96th Street in Bal Harbour Village. This will include removal, relocation and introduction of new signals, intersections, curb-cuts and sidewalks. Additionally, this will significantly improve traffic flow as this intersection is a main ingress and egress point for evacuation routes.

Local Match: \$8 million

Sponsors: Senator Campbell, Representative Geller

Amount Requested: \$ 1,618,576

- **Update:** The Senate budget contains \$500,000 and the House budget does not include funding at this time. Budget conference committees will meet after week 6.

LEGISLATIVE ISSUES

Public Meetings and Records/ Imminent Litigation: SB 560 by Senator Steube and HB 439 by Representative Donalds

SB 560 expands the current public meeting exemption that allows a governmental entity and its attorney to meet privately to discuss pending litigation. Under this bill, the governmental entity and its attorney may also meet to discuss “imminent litigation.” Litigation is defined to be imminent when the entity has received notice of a claim or demand by a party threatening litigation before a court of administrative agency.

For the meeting to be legal, the attorney must identify the name of the potential claimant or litigant at a public meeting, in addition to meeting other existing requirements. If the imminent litigation does not begin, the transcript of the private meeting must be made part of the public record after a reasonable time or when the underlying statute of limitations expires.

Neither SB 560 nor HB 439 was heard this week.

Public Records: This bill, SB 750 and HB 273, has been temporarily postponed in the Senate Judiciary committee in two separate committee hearings. It appears the committee votes are not in support. However, we are including this as a bill we continue to watch.

This bill would prohibit an agency, including state and local government entities, from responding to a public records request (to inspect or copy a public record) by filing a civil action against the individual or entity making the request. However, there is some difficulty in its interpretation in that it could apply to any litigation, and therefore the bill has stalled. It is unclear that this bill will have the votes to move forward, but we did want to include this in our report.

The House bill has passed the House, however, SB 750, has been temporarily postponed twice in Senate Judiciary and it is unclear about the future of this bill.

Vacation Rentals: CS/SB 1400 by Senator Steube and HB 773 by Representative La Rosa

As reported in week 5, the Senate bill, CS/SB 1400, passed the Regulated Industries with a vote of 9 – 1, with Senator Hukill being the only no vote. The Senate bill was not heard this week.

In the House, HB 773 was scheduled to be heard in Government Accountability Committee this week, however, the bill was temporarily postponed, and it is uncertain at this time whether it will be heard next week.

The sponsor, Representative La Rosa, had filed a strike everything amendment to the bill. The highlights of the strike everything amendment are as follows:

- Preempts regulation to the State
- Requires DBPR to issue licenses, sets fees and penalties, and requires the Division to conduct inspections. (provides no additional staff or funding for these functions).

- States that a local government may regulate activities that arise when a property is used as a vacation rental only when such regulation applies uniformly to all residential properties.
- Further states that such regulation also may not prohibit vacation rentals or regulate the duration or frequency of a rental. However, it does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011, including when such local law, ordinance, or regulation is being amended to be less restrictive.
- Sets a maximum occupancy limit which cannot exceed the total number of persons calculated by assuming there will be no more than two persons per sleeping room plus an additional four persons. For purposes of this section, the term "persons" only includes individuals 18 years of age or older. Individuals under the age of 18 are not included in the calculation of the maximum occupancy limit.
- Exempts vacation rentals from chapter 83, the landlord tenant statute, in the same manner as transient rentals. Additionally, any person, partnership, corporation, or other legal entity which, for another and for compensation or other valuable consideration, rents or advertises for rent a vacation rental licensed under chapter 509 is exempt from chapter 475 which deals with real estate brokers, sales associates, and schools.
- Creates additional regulation for multiple unit vacation rental operators, stating that when 5 or more vacation rentals in multifamily dwellings are under common ownership and any such vacation rental is rented out more than 180 days per year, such vacation rental is subject to additional regulation, including the requirement that the division must audit at least 1% of operators renting out these vacation rentals. (but this does not apply to single family homes).
- Requires the division to make the vacation rental license information required under this chapter, including the operator's emergency contact information, available to the public and local governments. But, that local governments can use this license information for informational purposes only.

Additional amendments were filed, by Representative Smith, that would add sexual orientation and gender identity to the bill, as prohibited for refusal of accommodations.

Again, the House bill was temporarily postponed, and as of today, has not been added to the agenda for the next committee meeting.

County and Municipal Public Officers and Employees: SB 1180 by Senator Steube was heard and amended in committee this week, and does the following:

CS/SB 1180 as amended, requires official travel by county and municipal officers to be approved by the governing body at a publicly noticed meeting prior to the travel, unless ratified for good cause at the next regularly scheduled meeting. The request for travel must contain all travel expense details and be approved by a majority of the members present and voting. The bill requires all travel approved to be posted on the county's or municipality's website. If a municipality does not have a website, then the information must be sent to the county for it to post on its website. The travel must be posted within 10 days from the date of approval until the end of the next calendar quarter. These requirements do not apply to the county constitutional officers established in Art. VIII, s. 1(d), Fla. Const.

The committee substitute differs from the original bill in that it:

- No longer requires campaign and political committee expense reports to be posted on county and municipal websites;
- No longer caps the lodging costs eligible for reimbursement at \$120 per day;

- No longer requires the travel expenses to be reported to a local ethics commission or the Florida Commission on Ethics; and
- No longer requires elected municipal officers to file a full and public disclosure of their financial interests pursuant to s. 112.3144, F.S. (they will still be required to file a statement of financial interests pursuant to s. 112.3145, F.S.).

The Senate companion, SB 1180 by Senator Steube, passed Ethics and Elections, 5 – 3, and will be heard in Community Affairs on 2/20.

HB 815 by Representative Avila was not heard this week, and was summarized in the week 5 report.

Red Light Cameras: Senator Hutson and Representative Avila have filed SB 176 and HB 6001, which would repeal the State law allowing local governments to use red-light cameras. All regulation and use of red light cameras is preempted to the state. There has been no movement on the Senate side to date.

HB 6001 has passed the full House with a vote of 83 – 18.

The Senate companion has four committees of reference and has not yet been heard.

Beach Re-Nourishment: SB 174 by Senator Hukill, and HB 131 by Representative Peters

The bill passed the Senate Appropriations committee, 20 – 0. However, the bill was amended and the requirement of a \$50 million funding threshold from the Land Acquisition Trust Fund, was removed. The bill does revamp the way the state prioritizes beach and inlet-management projects. It includes a detailed scoring system that would be used in determining which projects should be priorities for funding.

SB 174 has passed all of its committees of reference, but has not been heard by the full Senate at this time.

HB 131 has not been heard to date.