

# BAL HARBOUR

- V I L L A G E -

OFFICE OF THE VILLAGE MANAGER

LETTER TO COUNCIL

NO. 040-2018

To: Mayor Gabriel Groisman and Members of the Village Council

From: Jorge M. Gonzalez, Village Manager 

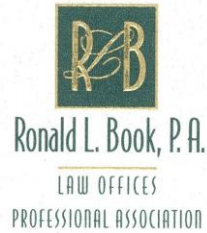
Date: March 2, 2018

Subject: **Legislative Session Week 7 Report - February 19 - 23, 2018**

The purpose of this Letter to Council (LTC) is to transmit the attached Legislative Session Week 7 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 7 Report**

Enclosed is our 2018 Session, Week 7 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:**

**The budget update remains as was reported in week 6. We are hearing that budget allocations may be announced mid-week, and at that point, budget conference can begin. If you have any questions on the budget conference process, please call or email us and we are happy to provide any information you may need.**

### **LEGISLATIVE ISSUES**

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

The Senate bill was not heard this week, nor was it scheduled to be heard next week, in its last committee reference, Appropriations. At this time, the Senate has no further Appropriations committee meetings scheduled, however, this could change.

This week, the original version of HB 773, and two amendments, passed, 13 - 11. The House bill, as reported, was temporarily postponed in its previous committee.

Representative La Rosa had filed a strike everything amendment for the previous committee meeting, but before that was heard, there was an amendment filed to the original bill, which procedurally, must be taken up first. That amendment, by Representative Carlos Guillermo Smith of Winter Park, would have kept in place, the preemption of regulation to the state of any property that is homesteaded property, so that the division can regulate them under this bill. The purpose as stated in committee, was to ensure personal property rights are protected in allowing the property owner to rent all or a portion of their property, as a vacation rental. But that through this amendment, regulation would be left to local governments to regulate, any property that is not homesteaded, possibly bought by large scale investors, for the purpose of renting as vacation rentals, essentially becoming commercial properties. In debate on this amendment, Representative La Rosa was asked if this was a friendly amendment, to which he said no. The amendment failed, 8 - 14.

At that time, as the committee was to take up the strike everything amendment, Representative La Rosa stated, that though his strike everything amendment includes a state regulatory structure including licensing, occupancy requirements, and inspections, he acknowledged that this bill has a long way to go,

that he doesn't completely disagree with the homesteaded property amendment, and therefore, he withdrew his strike everything amendment. With that, the amendments filed to the strike all were also rendered withdrawn. That left the committee to consider the originally filed bill, which was discussed and debated, time for the committee was extended, the public was not given time to speak, and at in end, the bill did pass 13 – 11.

**Bill Summary:** The bill authorizes local governments to regulate activities that arise when a property is used as a vacation rental, as long as such regulations apply uniformly to all residential properties. Also, the bill keeps the current preemption that local governments cannot prohibit vacation rentals or regulate the duration or frequency of vacation rentals, and keeps the current grandfathering provision which allows for any local government's regulation of vacation rentals on or before June 1, 2011. Lastly, the bill states that the local government can change duration or frequency regulations, as long as the changes are less restrictive.

➤ **Amendment 1 – passed: (by Santiago)** addresses sexual predators staying at a vacation rental

The operator of any public lodging establishment shall ask at check in, if any guest of the public lodging establishment is a sexual predator, and then immediately inform all other guests staying there.

➤ **Amendment 2 – passed: (by Fant)** addresses sexual offenders and sexual predators

Any sexual offender must register at the sheriff's office in the county where the sex offender is temporarily residing at the vacation rental, 48 hours prior to arriving at the vacation rental, regardless of the length of stay.

A vacation rental owner or operator, who rents a vacation rental to a sex offender, must notify property owners within 1,000 feet of the rented property, 24 hours prior to the sex offender's arrival.

The state (Division within DBPR) may fine, suspend, or revoke the license of any vacation rental owner, when the rental is not in compliance with this provision.

Every Internet advertisement or on-line posting of a vacation rental must prominently display the complete physical street address of the vacation rental along with a link to a website created by the Department of Law Enforcement, to notify the public of any information regarding sexual predators.

This advertisement or posting must also prominently display a link to s. 943.0435, and state "Every sexual offender and sexual predator intending to stay at a location in Florida is required by Florida law to register in accordance with s. 509.606."

Again, HB 733 passed, as amended, with a vote of 13 – 11.

**County and Municipal Public Officers and Employees:** SB 1180 by Senator Steube and HB 815 by Representative Avila

Both the House and Senate bills have been amended to only apply to travel outside of the state and international travel. Both bills were amended to require county and municipal public officers to request authorization at a public meeting for travel out of state or internationally, prior to travel, (unless good cause can be shown as to why it could not be presented prior to travel). The amendment also requires each

county, county constitutional officer, and municipality to adopt a uniform travel policy applicable to its officers and employees, and to include a separate line item in their budget for travel expenses.

SB 1180 as amended, passed Community Affairs, 7 - 0.

HB 815 passed the Government Accountability Committee, 17 – 4 and will be heard by the full House on 2/28.

**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.

**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 committees of reference, but has not been heard by the full Senate at this time. The House companion, HB 131 has not been heard to date.