


# BAL HARBOUR

- V I L L A G E -

OFFICE OF THE VILLAGE MANAGER

LETTER TO COUNCIL

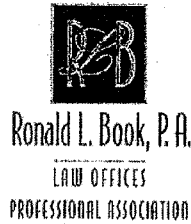
NO. 067-2019

To: Mayor Gabriel Groisman and Members of the Village Council  
From: Jorge M. Gonzalez, Village Manager   
Date: April 18, 2019  
Subject: **Legislative Session Week 6 Report - April 8, 2019 - April 12, 2019**

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/MH



**Bal Harbour Village  
2019 Session – Week 6**

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As detailed in our last report, the budget conference is expected to formally begin the Monday or Tuesday after the Passover and Easter holidays, likely on April 22 or 23. Currently, we continue our budget discussions and meetings with the House Speaker and Senate President, Senate Appropriations Chair Bradley, and House Appropriations Chair Cummings, and the various subcommittee Chairmen and Chairwomen and staff. Below is the status of the funding request which remains the same until the budget conference process begins.

**Funding Requests:** The following project was partially funded and is in a posture for budget conference.

- **Storm Water System Improvement** Sponsors: Senator Pizzo, Representative Geller  
Local Match: 50%      Amount Requested: \$600,000
  - This project is funded in the Senate budget for \$50,000 at this time.

**Legislative Issues:**

**Anti-Semitism:** HB 741 by Representatives Fine and Caruso, cosponsored by Representatives Donalds, Fischer, Killebrew, LaMarca, and Roach and SB 1272 by Senator Gruters

This bill accomplishes the following:

- Prohibits discrimination against a public education system student or employee based on religion.
- Defines anti-Semitism as it relates to public educational institutions
- Required a public educational institution to treat discrimination based on anti-Semitism in an identical manner to discrimination based on race
- Prohibited discrimination based on religion in public educational institution programs, activities, and opportunities

SB 1272, the Senate companion bill by Senator Gruters passed the Senate Judiciary committee 5 – 1.

HB 741 has passed the full House by a vote of 114 – 0.

**Vacation Rental Regulation/Preemption: HB 987 by Grant, J.**

We continue to work with the FLC to oppose this bill as we meet and discuss with members of both the House and Senate. HB 987 was heard in the Commerce Committee and as part of the push with the team of lobbyists that work with local governments and with the League of Cities, several amendments were offered in an effort to weigh down the bill and highlight several problems with state regulation and local government preemption. These amendments are briefly summarized below. After lengthy debate, testimony from cities and the public, and two 15 minute extensions of the committee's end time, this bill passed 13 – 11.

Amendments to the House bill included the following issues:

- Required that an operator of a vacation rental maintain liability insurance coverage, to be in force at all times to cover vacation rental guests. (passed)
- Reinstated the grandfather clause. (failed)
- Required a registry and notification process for sexual offenders choosing to stay in a vacation rental. (passed)
- Required vacation rental inspections by DBPR and to do these inspections, the division has the right of entry and access to vacation rental establishments at any reasonable time. (in two amendments - failed)
- Attempted to clarify that Condominium and Homeowner Associations rules and bylaws remain in effect as it pertains to limiting an owner's use of property as a vacation rental. (passed)
- Addressed local government regulation of vacation rentals except a property also used as a homestead, as described in s. 6(a), Art. VII of the State Constitution. (failed)

HB 987 passed the Commerce committee as amended, with a vote of 13 – 11.

**SB 824, the Vacation Rentals Senate companion bill by Senator Diaz** was on the Senate committee agenda to be heard in the Senate Innovation, Industry and Technology committee but was not heard once again. This committee would have been its first committee hearing of three required, and this committee is not meeting again.

Important to note: The Senate bill in this form is now “dead” for this Session, however we will continue to watch for amendments affecting local government's regulation of vacation rentals throughout the remainder of Session.

### **Preemption of Local Regulations HB 3**

The bill accomplishes the following:

- Preempts the licensing of occupations to the state and supersedes any local government licensing of occupations. However, any licensing adopted prior to July 1, 2019, will continue to be effective until July 1, 2021, at which time it will expire.
- Any licensing of occupations authorized by general law is exempt from the preemption.
- Prohibits local governments from requiring a license for a person whose job scope does not substantially correspond to that of a contractor or journeyman type licensed by the Construction Industry Licensing Board, within DBPR,
- Precludes local governments from requiring a license for: painting, flooring, cabinetry, interior remodeling, driveway or tennis court installation, and decorative stone, tile, marble, granite, or terrazzo installation, plastering, stuccoing, caulking, canvas awning installation, and ornamental iron installation.
- Authorizes counties and municipalities to issue journeyman licenses in the plumbing, pipe fitting, mechanical and HVAC trades, as well as, the electrical and alarm system trades, which is the current practice by counties and municipalities. (Meaning, local journeyman licensing is exempt from this preemption).

HB 3 has now passed the House with a vote of 88 - 24.

### **Governmental Powers/Preemptions HB 1299**

HB 1299 would enact a number of restrictions on local governments, including the following:

- Except as provided for in s. 171.205, F.S., a municipality may not purchase land within another municipality's boundaries without their consent;
- The governmental entity may not attempt to annex an area within another governmental entity's jurisdiction without the other governmental entity's consent.
- Prohibits municipalities from levying taxes on cigarettes, cigars, nicotine products, and dispensing devices.

- Preempts to the state, the establishment of the minimum age for the sale or delivery of tobacco products, nicotine products, and nicotine dispensing devices.
- Preempts to the state the regulation of single use straws and allows for businesses to distribute plastic straws upon request or through a dispenser. (this preemption would not apply to a hospital or nursing, rehabilitation, or other health care facility).
- Amends the Florida Drug and Cosmetic Act to preempt the regulation of over-the-counter proprietary drugs and cosmetics to the state.
- Amends s. 526 F.S., the sale of liquid fuels; brake fluid section, to include a preemption to the state and to DEM, the establishment of the requirements for alternate generated power sources, including transfer switches.
- A municipality, county, or other local government entity may not adopt, enforce, or implement any ordinance, rule, or law that would impose additional requirements for maximum fuel supply or safe temperature and cooling requirements related to the comprehensive emergency management plan.
- Clarifies that local governments cannot regulate a food service establishment regulation of single-use plastic straws, which is preempted to the state. Stating that a municipality, county, or other local governmental entity may not adopt, enforce, or implement any ordinance, rule, or law that would restrict a food service establishment from distributing single-use plastic straws to customers.

HB 1299 must next be heard by the Commerce committee.

**Texting While Driving: SB 76 (Simpson) and HB 107 (Toledo and Slosberg)**

**SB 76** passed the Judiciary committee with amendments by Chairman Simmons that narrowed the bill to apply to only texting while driving. The bill does still contain a warning period, from October 1, 2019 through December 31, 2019. To reiterate, this bill as amended in committee, only allows law enforcement to issue citations to drivers who are texting while driving as a primary offense after December 1, 2019. We continue to meet with members in support of this bill.

SB 76 will be heard in the Rules committee on 4/17. We continue to monitor for amendments to this bill. Its companion, HB 107 has passed all its committees and is ready to be heard by the full House. We continue to advocate with House leadership for a hearing by the House.

**Permit Fees HB 127, SB 142**

- The bills require governing bodies of counties and municipalities to post permit and inspection fee schedules and building permit and inspection utilization reports on their websites by December 31, 2020.
- After December 31, 2020, the governing body of a local government that provides a schedule of fees must update its building permit and inspection utilization report before adjusting the fee schedule.

HB 127/SB 142 has passed both the House and Senate.

**Traffic Infraction Detectors (Red Light Cameras) HB 6003, SB 622**

- Repeals provisions relating to Mark Wandall Traffic Safety Program and the authorization to use traffic infraction detectors.
- Repeals provisions relating to distribution of penalties, transitional implementation, and placement and installation.

HB 6003 passed its first committee in the House in January and has not been heard again.

However, SB 622 the Senate companion sponsored by Brandes and co-sponsored by Senators Diaz and Mayfield was heard in the Infrastructure and Security committee and temporarily postponed, with the bill sponsor noting that he did not have the votes to pass the bill in this committee on 4/2. Again, this bill was heard in committee on 4/9 and again temporarily postponed.

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➤ Session Dates: March 5, 2019 through May 3, 2019