

BAL HARBOUR

- V I L L A G E -

OFFICE OF THE VILLAGE MANAGER

LETTER TO COUNCIL

NO. 055-2017

To: Mayor Gabriel Groisman and Members of the Village Council

From: Jorge M. Gonzalez, Village Manager

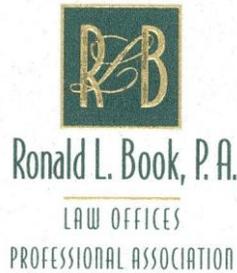
Date: March 24, 2017

Subject: **Legislative Session Week 2 Report - March 13-17, 2017**

The purpose of this Letter to Council (LTC) is to transmit the attached Legislative Session Week 2 Report provided by Ron L. Book.

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

JMG/AC



2017 Session Week 2 Report

Enclosed is our 2017 Session, Week 2 Report, including an update on the water project budget request, and a summary of bills affecting Bal Harbour Village. 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.

Bal Harbour Village Funding Request: In working with Village staff, we have submitted one (1) water project request this session and have included an update below.

- **HB 3395 - Water Project: Bal Harbour Village Sanitary Sewer System Improvements** is sponsored by Representative Geller, and in the Senate, by Senator Campbell. This budget request would partially fund the sanitary sewer improvements throughout the Village. The Village will be matching this amount with approximately 97% in local and other funding. These system wide improvements will substantially reduce the potential for sewer contamination into the environment due to leaks and line breaks in the 70-year-old system. The new sewer system will ensure the continued health, safety and welfare of the Village residents and its visitors which has a substantial economic impact to the region and to the state. Local Match: 97% Amount Requested: \$850,000

As we reported, in the Senate, we made the preliminary presentation for this water project in February, making it eligible to be considered for funding. During week 1 and week 2, we met twice with Senator Bradley, Chairman of the Senate Environment and Natural Resources Appropriations subcommittee, to urge funding for this project.

In the House this week, Representative Geller presented the Village water project in committee, and it was approved for eligibility with a unanimous vote. This vote specifically allows the project to move forward in consideration for funding. During the committee meeting, Representative Geller had a question regarding the local funding portion for this project, which we were able to answer quickly with the assistance of the Village Manager, on an early morning call. Additionally, during Session week 1 and week 2, we met twice with Chairman Albritton of the House Agriculture and Natural Resources Appropriations committee, to urge funding for this project.

Subcommittee budgets have not yet been completed and released yet, so we continue to work for funding of this item.

Beach Renourishment/The Village Sand Bypass Project: Our firm will be discussing this project next week with County officials to address the need to update the County master plan.

Beach Renourishment/Proposal for a Statewide Funding Restructure for Coastal Management: SB 1590 (Latvala) HB 1213 (Peters). Senator Latvala, Chairman of the Senate Appropriations committee announced his intention to restructure the method by which beach renourishment is funded. The proposal would require the Department of Environmental Protection to develop a new three-year plan for beach

repairs. It also would refocus attention on sand management at inlets and seek a revision in a ranking system so the most serious erosion problems are prioritized. The legislation would allocate \$50 million a year for beach restoration, and the funding would come from the state's Land Acquisition Trust Fund. This \$50 million proposal would be a minimum funding level, and also matches the Governor's proposal for beach renourishment in his overall proposed budget for this Session. The requested amount for beach projects this cycle is approximately \$73 million from local governments.

HB 1213 will be heard in the Natural Resources and Public Lands Subcommittee next week, on 3/20.

SB 1590 is expected to be heard on Wednesday's Environmental Preservation/Conservation Committee agenda, (3/22).

Public Records/Attorney's Fees: We continue to voice the Village focus on allowing for discretion of the court to determine fees, particularly in cases that the court has determined the request was made to cause litigation against the local government. Two bills are moving through the committee process, and are summarized below.

SB 80 (Steube) as amended in committee during week 1, grants discretion to a court to award attorney fees and costs relating to public records. In determining whether the local government unlawfully refused to allow public records to be reviewed and/or copied, it requires the court to consider if the request was made in bad faith, or made to harass the local government in order to cause a violation, and the court is required to determine that the local government responded in good faith. As amended, greater discretion is given to the court, with language that states that the court may assess and award reasonable attorney fees if the complaint was filed in bad faith. Additionally, it gives the complainant the responsibility to show by a preponderance of evidence that the local government intentionally refused to permit access to public records. Lastly, in this case, if the court does find that the local government intentionally refused to allow access to view and copy public records, the court shall assess reasonable costs against the local government, including attorney fees.

During week 2, the bill was amended to clarify two things: First, to specify that monetary damages are not available in actions to enforce the public records laws, and secondly, it clarifies that this bill applies to records requests made after the bill takes effect.

CS/SB 80 passed the Senate Judiciary committee, 8 – 0.

CS/CS/SB 80:

https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=_s0080c2.DOCX&DocumentType=Bill&BillNumber=0080&Session=2017

HB 163 (Burgess) is the companion bill moving in the House, and will be heard next week, on 3/20. AN amendment has been filed to conform the House bill to the most current Senate bill, as summarized above.

Vacation Rentals: SB 188 (Steube) and HB 425 (LaRosa) would preempt all local ordinances regarding vacation rentals that were enacted since June 1, 2011.

SB 188 will be heard in Regulated Industries, on 3/21.

HB 425 passed the Agriculture and Property Rights Subcommittee, with a vote of 9 – 6.

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