

BAL HARBOUR

- V I L L A G E -

OFFICE OF THE VILLAGE MANAGER

LETTER TO COUNCIL

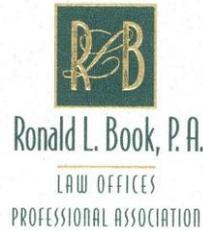
NO. 014-2018

To: Mayor Gabriel Groisman and Members of the Village Council
From: Jorge M. Gonzalez, Village Manager 
Date: January 26, 2018
Subject: **Legislative Session Weeks 1 and 2 Report - January 8-19, 2018**

The purpose of this Letter to Council (LTC) is to transmit the attached Legislative Session Weeks 1 and 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



2018 Session Week 1 Report

Budget Requests Update:

Bal Harbour Village Budget Requests: In working with Village staff, we have submitted two (2) budget project requests this session and have included these below.

- **Bal Harbour Village - 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

This budget request has been referred to the House Agriculture and Natural Resources Appropriations Subcommittee, and we are working with House Chairman Albritton and Representative Geller for a committee hearing. Similarly, in the Senate, although there is no formal bill system for budget requests, we are working with Senator Campbell for a committee hearing in the Senate Environment and Natural Resources Appropriations Subcommittee.

- **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

This budget request has been referred to the House Transportation and Tourism Appropriations Subcommittee, and we are working with House Chairman Ingram and Representative Geller for a committee hearing. Similarly, in the Senate, although again, there is no formal bill system for budget requests, we are working with Senator Campbell for a committee hearing in the Senate Transportation, Tourism and Economic Development Appropriations Subcommittee.

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.

SB 560 has passed two of its three committees of reference, and will next be heard by the Rules Committee.

HB 439 will be heard in its first of two committees of reference, on 1/17.

Vacation Rentals: There are three very different versions of the vacation rental regulation filed this session. SB 1400 and HB 773, by Senator Steube and Representative La Rosa, are opposed by the Florida League of Cities, and are summarized below.

SB 1640 by Senator Simmons, is supported by the Florida League of Cities, and is also summarized below. None have been heard to date.

Vacation Rentals: SB 1400 by Senator Steube preempts all regulation of vacation rentals to the state, and invalidates any local regulation, including those adopted prior to June 1, 2011. The bill requires each vacation rental to obtain a license through the Department of Business and Professional Regulation, requires an annual renewal, and allows for multiple properties to be combined under one license. The bill caps license fees at no more than \$1,000 per license and directs these fees to the Hospitality Education Program. The bill also establishes fines, with fine revenue going toward the Hotel and Restaurant Trust Fund. It provides that any inspection of a vacation rental be done by DBPR only, but are not mandatory unless it is an emergency situation or a health concern.

SB 1400 has been referred to the Community Affairs, Regulated Industries, and Appropriations Committees. It has not been heard to date.

Vacation Rental: HB 773 by Representative La Rosa as originally drafted, would align with similar provisions from the 2017 session, and states that a local law, ordinance, or regulation may regulate activities that arise when a property is used as a vacation rental provided such regulation applies uniformly to all residential properties without regard to whether the property is used as a

vacation rental as defined in s. 509.242 or a long-term rental subject to the provisions of chapter 83 or whether a property owner chooses not to rent the property. However, a local law, ordinance, or regulation may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011, including when the duration or frequency requirements of such law, ordinance, or regulation are being amended to be less restrictive.

Vacation Rentals: SB 1640 by Senator Simmons, again, is supported by the Florida League of Cities. Highlights of this comprehensive bill include the following: this bill would provide state oversight over short-term rentals, while also allowing for additional local regulation. It would preserve ordinances in place before to June 1, 2011, and allow for local governments to amend these if the amended regulation is less restrictive.

The bill requires vacation rentals to be licensed with the Division of Hotels and Restaurants, within DBPR, and would establish a penalty of \$50 per day until remedied, (with higher penalties for subsequent violations) for failing to display this information.

The bill defines a commercial vacation rental to be a property managed by one licensed agent under a single license for five or more vacation rental units or is part of five or more vacation rental units under common ownership, control or management. The bill establishes higher regulatory standards for commercial vacation rentals than non-commercial vacation rentals.

The bill allows for local government regulations specific to vacation rentals that are in single-family residences, where the owner is not personally occupying the residence. Owners would then be required to submit a copy of their vacation rental license, and a copy of the certificate of registration with the Department of Revenue, and the owner's emergency contact information to the city.

SB 1640 has not been heard to date.

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.

HB 6001 passed its only committee of reference, the Appropriations committee, with a vote of 16 – 10 and is ready for third reading in the House. The Senate companion has four committees of reference but has not yet been heard.

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

As you may know, the original sponsor, Senator Latvala, recently resigned his Senate seat. Once his resignation was official, the Senate authorized Senator Hukill to be the sponsor of HB 174.

SB 174 would set into statute the state's minimum annual contribution to fund beach renourishment, to a minimum \$50 million annually, from the state's Land Acquisition Trust Fund. The fund, which receives one-third of real estate stamp taxes, was established to acquire and

protect wildlife habitat, water resources and park land. The bill also seeks to 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.

The Senate bill has unanimously passed both the Environmental Preservation and Conservation committee, and the Appropriations Subcommittee on the Environment and Natural Resources, and would next be heard by the full Appropriations committee.

HB 131, the companion bill by Representative Peters has not yet been heard.

County and Municipal Public Officers and Employees: HB 815 by La Rosa

The bill addresses two areas, financial reporting by municipal candidates and elected officials, and travel by municipal elected officials and staff. This bill would accomplish the following:

- At the time of qualifying to be a candidate for elective municipal office, each candidate would be required to provide a full disclosure of financial interests, which would then be posted on a municipal website. This provision is currently required for qualifying for federal, state, county, or district office.
- The bill requires county and municipal public officers to comply with the applicable financial disclosure requirements of s. 8, Art. II of the Florida Constitution by January 1, 2019. This provision would require both county and municipal public officers to file CE Form 6, “Full and Public Disclosure of Financial Interests,”
- Requires any request for travel, by elected official or staff, to be approved at their publicly noticed meeting.
- Requires the reporting of travel, and travel expenses to either the local ethics commission if one exists, or state commission on ethics.
- The bill prohibits payment of or reimbursement for the foreign travel expenses of any county or municipal public officer or employee under any circumstances. The bill provides an exemption from this specific section, for elected, county constitutional officers.

Lastly, this strike all amendment by the bill sponsor, removed the requirements in the original bill that put a \$120 cap on travel for elected officials and staff.

HB 815 as amended passed its first committee by a vote of 12 – 2.

The senate companion, SB 1180 by Senator Steube, was not heard this week.

Similarly, in the Senate, although there is no formal bill system for budget requests, we are working with Senator Campbell to push for funding in the Senate Environment and Natural Resources Appropriations Subcommittee.

Legislative Issues:

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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.

SB 560 has passed two of its three committees of reference. This bill would next be heard by the Senate Rules Committee, however, it was not heard during week two.

HB 439 passed the House Oversight, Transparency and Administration Subcommittee, 13 – 0.

Vacation Rentals: There are three very different versions of the vacation rental regulation filed this session. SB 1400 and HB 773, by Senator Steube and Representative La Rosa, are opposed by the Florida League of Cities, and are summarized below.

Both Senator Steube and Representative La Rosa held a press conference this week to promote their bills that would preempt local governments from regulating vacation rentals, citing the influence and imposition by the hotel industry on private property rights.

SB 1640 by Senator Simmons, is supported by the Florida League of Cities, and is also summarized below.

None of the vacation rental bills have been heard to date.

Vacation Rentals: SB 1400 by Senator Steube preempts all regulation of vacation rentals to the state, and invalidates any local regulation, including those adopted prior to June 1, 2011. The bill requires each vacation rental to obtain a license through the Department of Business and Professional Regulation, requires an annual renewal, and allows for multiple properties to be combined under one license. The bill caps license fees at no more than \$1,000 per license and directs these fees to the Hospitality Education Program. The bill also establishes fines, with fine revenue going toward the Hotel and Restaurant Trust Fund. It provides that any inspection of a

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SB 1640 has not been heard to date.

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.

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

The Senate companion has four committees of reference but was not heard during week two.

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

The House is considering drafting a committee bill that would set the funding allocation and requirements in statute, rather than proceed with HB 131 and SB 174.

The proposal currently would set state's minimum annual contribution to fund beach renourishment, to a minimum \$50 million annually, and the funding source would be the state's Land Acquisition Trust Fund. The fund, which receives one-third of real estate stamp taxes, was established to acquire and protect wildlife habitat, water resources and park land. The bills, as currently drafted, seeks to 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. The proposed committee bill will follow this same path, however, again, it has not yet been filed.

County and Municipal Public Officers and Employees: HB 815 by Representative La Rosa, SB 1180 by Senator Steube

The bill addresses two areas, financial reporting by municipal candidates and elected officials, and travel by municipal elected officials and staff. This bill would accomplish the following:

- At the time of qualifying to be a candidate for elective municipal office, each candidate would be required to provide a full disclosure of financial interests, which would then be posted on a municipal website. This provision is currently required for qualifying for federal, state, county, or district office.
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