

# BAL HARBOUR

- V I L L A G E -

OFFICE OF THE VILLAGE MANAGER

LETTER TO COUNCIL

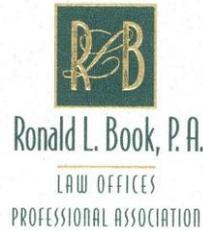
NO. 025-2018

To: Mayor Gabriel Groisman and Members of the Village Council  
From: Jorge M. Gonzalez, Village Manager   
Date: February 9, 2018  
Subject: **Legislative Session Week 4 Report - January 29 - February 2, 2018**

The purpose of this Letter to Council (LTC) is to transmit the attached Legislative Session Week 4 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 4 Report

Enclosed is our 2018 Session, Week 4 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 INFORMATION:** On Wednesday, both the House and Senate Appropriations Committees met and heard their respective budgets. Budgets will pass the full House and Senate during week 5, and then the budgets will be available for conference committee meetings as of week 6.

### 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 likely meet during or 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 likely meet during or 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.

SB 560 has passed its three committees of reference and is now available for floor action.

HB 439 passed the House Oversight, Transparency and Administration Subcommittee, 13 – 0 during week two, but was not heard during week three or four.

**Vacation Rentals:** There are three different versions of the vacation rental regulation filed this session. As originally filed, SB 1400 and HB 773, by Senator Steube and Representative La Rosa, would preempt local governments and are opposed by the Florida League of Cities. SB 1640 by Senator Simmons, is supported by the Florida League of Cities. This week, Senator Steube’s proposed committee substitute to SB 1400 was heard in Community Affairs, and ultimately passed, 4 – 2. Filed to the original bill was also as a substantial amendment by Senator Simmons, mirroring his bill.

The Chairman heard an amendment to the Steube strike all amendment, and allowed handwritten amendments (which is unusual). The rushed, fast pace confused some Senators on the committee, and in the audience. The meeting became a bit contentious, when some members of the public were not allowed to finish their remarks as the committee meeting was nearing the end of their scheduled time. The committee had been allotted a two-hour time slot, (from 10:00 am – 12:00 noon) and they set a time certain to vote on this issue at 11:58. The bill with the Steube amendment, passed 4 – 2.

The Steube bill as amended:

- Preempts all licensing of vacation rentals to the state, through the Division of Hotels and Restaurants of the Department of Business and Professional Regulation. The bill does not provide for funding or additional staff for this purpose.
- Grandfathers local ordinances adopted on or before June 1, 2011.
- Requires that each year, the division must audit at least one percent of operators who are subject to this section to ensure compliance. This section does not apply to single-family houses.

- Requires a license application to contain the operator’s emergency contact number. Also allows a temporary license to be issued and allows vacation rental to begin use while application is pending.
- Allows the division to fine, suspend, or revoke the license of any vacation rental when the advertisement for the vacation rental does not display the vacation rental license number.
- Regulates multiple unit vacation rentals. When five or more vacation rentals in multifamily dwellings are under common ownership and are rented out more than 180 days per year, such rental is subject to additional requirements, including biannual inspections.
- Defines a vacation rental as any unit in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family, or four- family house or dwelling unit that is rented to guests for periods of less than 180 days but that is not a timeshare project.
- Requires the division to make the vacation rental license information required under chapter 509 to be available to the public, and allows local governments to use this license information for informational purposes only.
- Sets maximum occupancy limits for vacation rentals.

The Simmons amendment: bar code 767560 – was withdrawn (As he stated in committee, he chose to withdraw it during this meeting so that it is procedurally available for him to offer in the next committee)

SB 1400 passed 4 – 2, and has two more committee references: Regulated Industries, and Appropriations.

HB 773 by La Rosa has not been heard to date, and has two committee references: Government Accountability and Commerce

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

This bill was not heard during week 4. 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, in its first committee the sponsor passed an amendment that would remove 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, but was not heard during week four.

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

**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 but was not heard during week four.

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

The bill passed the Senate Appropriations committee this week, 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 as amended, passed the Appropriations committee, 20 – 0.

HB 131 has not been heard to date.