

BAL HARBOUR

- V I L L A G E -

OFFICE OF THE VILLAGE MANAGER

LETTER TO COUNCIL

NO. 030-2018

To: Mayor Gabriel Groisman and Members of the Village Council

From: Jorge M. Gonzalez, Village Manager

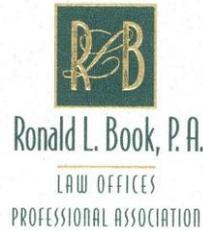
Date: February 16, 2018

Subject: **Legislative Session Week 5 Report - February 5 - 9, 2018**

The purpose of this Letter to Council (LTC) is to transmit the attached Legislative Session Week 5 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 5 Report

Enclosed is our 2018 Session, Week 5 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: Both the House and Senate passed their respective budgets this week, and now the budgets are available for conference committee meetings, as of week 6. No conference meetings have been scheduled to date. The budget update will remain consistent with the information below as we move toward budget conference. We continue to work with both the House and Senate Appropriations committee chair, members and the House and Senate leadership on funding of the items below.**

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 was not heard in week five.

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

This week, the Senate version of the vacation rental bill passed its second committee, Regulated Industries, 9 -1.

The Senate Regulated Industries committee meeting was scheduled for only 1 ½ hours, which is somewhat unusual. During the time spent on this bill, a motion was made for a time certain for the committee to vote, then another motion was made to have a time certain to begin debate, which left roughly a total of 10 minutes for public input. Several amendments were filed, including one by Senator Gibson that would have obligated vacation rentals to comply with ADA requirements, but then she discussed the amendment and withdrew it. Similarly, Senator Thurston filed an amendment that would have required a registry of incidents of discrimination by the vacation rental industry, but he too withdrew this amendment after a somewhat lengthy discussion.

With the limited time overall, and the time it took for the debate of each amendment, only a select few who registered to speak were given the opportunity. A few individuals spoke, including the Florida League of Cities who spoke in opposition. The Chair then announced, since there was only five minutes left before the time certain to debate, he would only be able to read aloud the names and entity of the 20 plus cards registered for people to speak.

After debate, the committee passed the bill, 9 – 1, with Senator Hukill being the only no vote.

The amendments that passed this committee would accomplish the following:

- Provide a statement of legislative intent that the application of vacation rental provisions created by the bill do not supersede any current or future declaration or declaration of condominium, cooperative documents, or declaration of covenants or declaration in a homeowners’ association.

- Permit local governments to amend local laws, ordinances, or regulations to be less restrictive, when such local regulations prohibit vacation rentals, or regulate the duration or frequency of vacation rentals.

The Steube bill also:

- 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.

SB 1400 passed Regulated Industries 9 – 1, and will next be heard in Appropriations.

HB 773 will be heard in the Government Accountability Committee on 2/13.

County and Municipal Public Officers and Employees: HB 815 by Representative Avila

Representative Avila offered a proposed committee substitute in the Public Integrity and Ethics Committee which eliminates most of the previous requirements of this bill, including eliminating the financial disclosure requirement.

The House bill now does the following:

Out of State Travel

- Requires any out-of-state travel by a county or municipal public officer to be approved by the governing body of the county or municipality at a regularly scheduled meeting, prior to the travel. (if good cause is shown in written form, it can go to the next regularly scheduled meeting)
- Requires all county and municipal public officer out-of-state travel approvals to be posted on the county’s or municipality’s website as soon as practicable, but no later than 10 days after approval

- Requires such travel approvals to remain on the applicable website until the end of the next calendar quarter. If a municipality does not maintain a website, the bill requires the travel to be posted on the applicable county's website
- Provides an exemption from these provisions for elected county constitutional officers

Foreign Travel

- Prohibits payment of or reimbursement for the foreign travel expenses of any county or municipal public officer under any circumstances
- Provides an exemption from these provisions for elected county constitutional officers

Campaign Finance Reporting

- Requires the applicable qualifying officer to post incumbent elected county and municipal public officer campaign finance reports on the qualifying officer's official website
- Reports must be posted on the qualifying officer's website within 10 days after they are filed, and must remain posted until the end of the next calendar quarter after the election for which the candidate qualified. This provision applies to reports the candidate must file for his or her own campaign as well as reports that must be filed by a political committee controlled by the candidate

HB 815 as amended passed with a vote of 12 – 6.

The senate companion, SB 1180 by Senator Steube, is scheduled to be heard in Ethics and Elections on 2/13.

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 and has not yet been heard.

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 of its committees of reference, but has not been heard by the full Senate at this time.

HB 131 has not been heard to date.