

# BAL HARBOUR

- V I L L A G E -

OFFICE OF THE VILLAGE MANAGER

LETTER TO COUNCIL

NO. 063-2019

To: Mayor Gabriel Groisman and Members of the Village Council

From: Jorge M. Gonzalez, Village Manager

Date: April 12, 2019

Subject: **Legislative Session 2019 - Mid Session Report**



The purpose of this Letter to Council (LTC) is to transmit the attached Legislative Session 2019 Mid-Session Report provided by Ron L. Book.

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

JMG/MH



Ronald L. Book, P.A.  
LAW OFFICES  
PROFESSIONAL ASSOCIATION

**Bal Harbour Village  
2019 Session – Mid Session Report**

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This week marks the half way point of the 60-day legislative Session. This is a combined report for week 4 and 5, as Session is moving at a fast pace and bills are moving quickly. Included in this report is an update on the status of the Village funding requests and bills of interest to local Governments.

**Funding Request Update:** As we reported in week 3, neither the House nor the Senate budget included funding for the Village projects. We worked with Senator Pizzo and Senator Mayfield, the Chair of the Environment and Natural Resources Appropriation Subcommittee, to secure a \$50,000 placeholder for the Storm Water System Improvement project in the Senate, to be able to work toward budget conference. We will continue to push for full funding for this project.

- **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

HB 74 has passed the second of three referenced committees, the Education Committee with a vote of 17 – 0.

We have worked with Representative Fine to ensure that SB 1272, the Senate companion bill by Senator Gruters will be heard. It is now on the agenda for now be heard in the Senate Judiciary committee on 4/8.

**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.

In the Business and Professions Subcommittee the bill was amended by Representative Fine to exempt from the preemption to the state, any company on the scrutinized businesses list. Specifically, the language states that the bill does “not preempt the authority of a local government to regulate any advertising platform provided by or through a company that is on the Scrutinized Companies that Boycott Israel List created pursuant to s. 215.4725 or by or through any company that is under common ownership or control with a scrutinized company.” This amendment means that Airbnb would be subject to all city and county regulations across the state.

In its hearing this week, as it was an appropriations committee, members were focused on issues relating to funding only, with questions regarding the Department of Business and Professional Regulation and its proposed oversight in this legislation. The bill does not include extra funding or staff to accomplish the proposed State oversight and regulation.

HB 987 passed the Government Operations and Technology Appropriations Subcommittee with a vote of 9 – 2. This bill goes next to the Commerce Committee which meets on April 10<sup>th</sup> and we expect this to be on the agenda.

**SB 824, Vacation Rentals/Private Property Rights of Homeowners by Senator Diaz** was on the agenda but not considered in committee on 3/26. This bill is not on the subsequent committee agenda for 4/2, this committee meets again on 4/10 and we are watching for this to be on the agenda as well.

### **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 as amended, passed its final committee, 18 – 5.

### **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 passed the Business and Professions Subcommittee 10 – 4.

**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 passed the Judiciary committee, 5 – 1.

The House bill, HB 107, was amended with a proposed committee substitute that differs from the Senate bill as passed. The complete summary of the House version of this bill is below.

**HB 107** differs from the current Senate version. Also, of note, one committee reference was removed and now HB 107 must pass one remaining committee.

The House bill accomplishes the following:

- Primary offense: Amends current law to make texting while driving a primary offense
- Search of Cell Phone:
  - Requires the officer to inform the motor vehicle operator of their right to decline a search of their cell phone.
- Prohibits a law enforcement officer from:
  - Accessing the wireless communications device without a warrant.
  - Confiscating the wireless communications device while awaiting issuance of a warrant to access such device.
  - Obtaining consent from the motor vehicle operator to search his or her wireless communications device through coercion or other improper method.
  - Consent to search a motor vehicle operator’s wireless communications device must be voluntary and unequivocal.
- Seeks to address and prevent profiling:

- Provides that when an officer issues a citation for texting while driving, the officer must record the race and ethnicity of the violator. All law enforcement agencies must maintain this information and report it to DHSMV in a DHSMV-specified form and manner.
- Beginning February 1, 2020, DHSMV must annually report the data collected to the Governor, President of the Senate, and Speaker of the House of Representatives.
- The data collected must be reported at least by statewide totals for local law enforcement agencies, state law enforcement agencies, and state university law enforcement agencies.
- The statewide total for local law enforcement agencies must combine the data for the county sheriffs and the municipal law enforcement agencies
- maintains the current penalties for a violation of the Florida Ban on Texting While Driving Law.
- Does not apply to the use of navigation device or system.
- Does not apply to a stationary motor vehicle

HB 107 passed the Transportation and Infrastructure Subcommittee, 13 – 0 and has passed the State Affairs Committee 20 – 0.

**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 was last heard in the House in January.

**SB 622** the Senate companion sponsored by Brandes and co-sponsored by Senators Diaz and Mayfield was heard in the Infrastructure and Security committee today and was temporarily postponed, with the bill sponsor noting that he did not have the votes to pass the bill in this committee. However, the bill now will be heard on the agenda of this same committee on 4/9.

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