

BAL HARBOUR

- V I L L A G E -

OFFICE OF THE VILLAGE MANAGER

LETTER TO COUNCIL

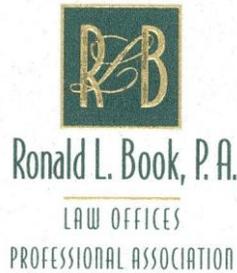
NO. 065-2017

To: Mayor Gabriel Groisman and Members of the Village Council
From: Jorge M. Gonzalez, Village Manager 
Date: April 7, 2017
Subject: **Legislative Session Week 4 Report - March 27-31, 2017**

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



2017 Session Week 4 Report

Enclosed is our 2017 Session, Week 4 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: Sanitary Sewer System Improvements** Sponsored by Representative Geller and Senator Campbell. This budget request would partially fund the sanitary sewer improvements throughout the Village. Local Match: 97% Amount Requested: \$850,000

The Bal Harbour Village-Utility Master Plan is funded in the Senate budget at \$425,000, but is not funded in the House budget at this time.

Going forward, we expect that the full Appropriations Committees in both the House and Senate will meet during week 5. This sets up the two budgets to be heard on the floor, by both the House and Senate during week 6, and then budget conference would follow.

To illustrate the vast differences between the House and Senate budgets, one only should look to the water project allocations. In the Senate, just over \$67 million was allocated to pay for local government water projects. However, in the House budget, only \$20 million was allocated. Budget conference on water projects will be a challenge. At this stage in the budget process, a project must be in either the House or Senate budget to make it an eligible issue for conference. We will work for funding for the sanitary sewer system improvement project in the budget throughout the conference process.

Beach Renourishment/The Village Sand Bypass Project: Our firm is in ongoing conversations with County staff regarding the status of the Sand Bypass project. The Miami-Dade County Mayor's staff is reviewing our request to update the master plan with his department, and we should have more information in the next few weeks.

Beach Renourishment Funding/Coastal Management: SB 1590 (Latvala) HB 1213 (Peters) The bill would allocate \$50 million a year, or 7.6%, whichever is less, from the state's Land Acquisition Trust Fund. The bill would require the Department of Environmental Protection to develop a new three-year plan for beach restoration projects, similar to the state's five-year transportation work plan. In this three-year plan, projects would be scored on their return on investment and economic impact. 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.

SB 1590 was not heard this week.

HB 1213 passed the Agriculture and Natural Resources Appropriations Subcommittee, 14 – 0.

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) 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. 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 has moved through its committees and was passed by the Senate, 38 – 0.

HB 163 (Burgess) is the companion bill moving in the House, and will now need to be heard in its last committee, Government Accountability Committee. This bill has not yet been scheduled.

Vacation Rentals: We have met with leadership to voice the Village’s strong concerns with this approach to regulation of vacation rentals. There is strong opposition to removing local government’s ability to regulate these rentals in local communities. We will continue to work on behalf of the Village on this issue.

The original bill preempted local governments from imposing regulations on vacation properties. The bill provides that local governments could impose regulations, but the regulations must apply to all properties, not just vacation homes. This means that any regulation must apply uniformly to all residential properties without regard to whether the property is used as a vacation rental or a long-term rental, or is rented by the property owner.

The bill keeps the current requirement that local governments cannot prohibit vacation rentals or regulate the duration or frequency of vacations rentals. The bill also keeps the grandfather provision in current law that exempts from the prohibition any local law, ordinance, or regulation that was enacted by a local government on or before June 1, 2011. This bill does allow a local government to amend a law, ordinance or regulation adopted on or before June 1, 2011, to be less restrictive.

This week, HB 425 was heard in Careers and Competition Subcommittee, and passed, only after obvious member to member conversations during the committee. In the Senate, SB 188 will be heard in the Community Affairs Committee on Tuesday, 3/4. We are in the process of meeting with the members of the Community Affairs committee to voice the Bal Harbour’s strong opposition. The League of Cities and several other cities and counties are also working to oppose this bill.

SB 188 will be heard in Community Affairs on 4/3.

HB 425 passed the Careers and Competition Subcommittee, and passed with a vote of 9 – 6.