

# BAL HARBOUR

- V I L L A G E -

OFFICE OF THE VILLAGE MANAGER

LETTER TO COUNCIL

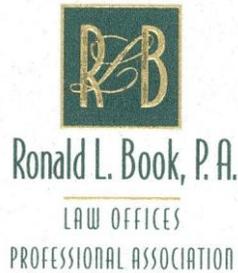
NO. 066-2017

To: Mayor Gabriel Groisman and Members of the Village Council  
From: Jorge M. Gonzalez, Village Manager   
Date: April 7, 2017  
Subject: **Legislative Session Week 5 Report - April 3-7, 2017**

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



## 2017 Session Week 5 Report

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Enclosed is our 2017 Session, Week 5 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. This week, week 5, marked the half way point of the 60-day session. The House and Senate will hear their individual budgets next week, which sets each up for budget conference beginning in week 7. Next week is a short week because of Passover and Good Friday, and the Legislature is only scheduled to meet on Wednesday and Thursday. Budget conference is set to begin during week 7, and we continue to work toward funding for the Village water project.

**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.

Neither SB 1590 nor HB 1213 were heard this week.

**Public Records/Attorney's Fees:** SB 80 (Steube) and HB 163 (Burgess) As reported, these companion bills grant 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 has passed its last committee, the Government Accountability Committee, with a vote of 20 – 0.

**Vacation Rentals:** SB 188 (Steube) and HB 425 (LaRosa) The original bill restricted 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.

In the Senate this week, SB 188 was scheduled to be heard in the Community Affairs Committee. We worked in conjunction with several city and county lobbyists, and with the League of Cities, to secure the votes to kill this bill. Going in to the committee meeting, we had secured the votes. The bill came up at the end of a long agenda with approximately five minutes left in the committee's scheduled time. The sponsor, Senator Steube, presented the bill, and Chairman Lee began slowly taking up amendments. At the point that discussion was to begin on the second amendment, the Chairman acknowledged that it would take longer than the time left in the committee, that he would temporarily postpone the bill. It was apparent that the votes were not leaning in favor of the bill in this committee, including that of the Chairman. At this point, we expect that this bill could come up in the next Community Affairs committee meeting, however, the agenda has not been set.

SB 188 was temporarily postponed in Community Affairs.

HB 425 was not heard this week.

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